United Nations CRPD/C/SR.233

# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities

**Fifteenth session**

**Summary record (partial)* of the of the 233rd meeting**
Held at the Palais Wilson, Geneva, on Tuesday, 29 March 2016, at 10 a.m.

*Chair*: Ms. Cisternas Reyes

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* No summary record was prepared for the rest of the meeting.

This record is subject to correction.

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Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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*The meeting was called to order at 10 a.m.*

**Opening of the session**

1. **The Chair** declared open the fifteenth session of the Committee on the Rights of Persons with Disabilities.

**Opening statement by the representative of the United Nations High Commissioner for Human Rights**

2. **Mr. Nowosad** (Chief, Groups in Focus Section, Office of the United Nations High Commissioner for Human Rights (OHCHR)), highlighting the unprecedented participation of civil society, including organizations of persons with disabilities, in the negotiation of the 2030 Agenda for Sustainable Development, said that several of the Goals under the Agenda represented a major step forward towards achieving equal rights for persons with disabilities. The Convention should be considered the key guiding document to implement the Goals.

3. The Commission for Social Development had recently set up an annual multi-stakeholder panel to share good practices and monitor progress on the implementation of the Goals relating to persons with disabilities. The Inter-Agency and Expert Group on Sustainable Development Goal Indicators had agreed that the indicators accompanying the Goals should be inclusive of disability; accordingly, 11 indicators on disability would be submitted to the Economic and Social Council and the General Assembly for adoption.

4. The ninth Conference of States parties to the Convention would be held from 14 to 16 June 2016 in New York on the theme "Implementing the 2030 development agenda for all persons with disabilities: Leaving no one behind". Subthemes would be the elimination of poverty and inequality, the promotion of the rights of persons with mental and intellectual disabilities, enhanced access to information and technology and inclusive development, and the tenth anniversary of the Convention. In addition, nine new Committee members would be elected at the Conference and funds were available to support the organization of side events.

5. The General Assembly had adopted a resolution on making the United Nations more accessible for persons with disabilities (resolution 70/170). It had invited the President of the General Assembly to convene a high-level panel in late 2016 to mark the tenth anniversary of the Convention with a view to promoting universal ratification, had urged Member States to support the disaggregation of data by disability, had requested the Secretary-General to submit a report on the situation of women and girls with disabilities and had invited the Chair of the Committee on the Rights of Persons with Disabilities and the Special Rapporteur on the rights of persons with disabilities to engage in an annual dialogue with the General Assembly.

6. The General Assembly had also adopted a resolution on persons with albinism (resolution 70/229), which expressed concern at their current situation, encouraged Member States to continue to uphold the rights of those persons and requested the Secretary-General to present a comprehensive report together with recommendations on the social development challenges of persons with albinism, taking into account the specific needs of women and children.

7. The Office of the United Nations High Commissioner for Human Rights (OHCHR) had conducted a study on the rights of persons with disabilities in situations of risk and humanitarian emergencies, which emphasized the need to involve persons with disabilities in the design, implementation, supervision and evaluation of emergency programmes; the report had been presented to the Human Rights Council. Recalling that the Committee on the Elimination of Discrimination against Women was drafting a general comment on

disaster risk reduction and climate change, he said that that presented a good opportunity to create synergies between that Committee and the Committee on the Rights of Persons with Disabilities.

8. The Office continued to support the Special Rapporteur on the rights of persons with disabilities and the Independent Expert on the enjoyment of human rights by persons with albinism in the fulfilment of their mandates. It was also involved in the preparation of the World Humanitarian Summit to be held in Istanbul in May 2016, which offered the opportunity not only to raise awareness of the challenges faced by persons with disabilities but also to take steps towards change through efforts to promote funding and the acceptance of internationally agreed principles and guidelines. The Office had engaged in broad consultations with Member States, United Nations agencies and civil society organizations during the planning of the Social Forum, to be held in Geneva in October 2016, which would focus on the promotion and equal enjoyment of all human rights and fundamental freedoms by persons with disabilities.

9. The Division of Conference Management in Geneva and the secretariat of the Committee had been working with the World Association of Sign Language Interpreters to improve the provision of sign language interpretation at the Committee's meetings. As of mid-2016, all public meetings of human rights treaty bodies would be webcast as part of a one-year trial. Longer-term funding was being sought to make webcasting a permanent service and thereby increase the accessibility and visibility of all the treaty bodies.

10. Finally, he said that the number of ratifications of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled now stood at 15, only 5 short of the number needed for entry into force.

**Report of the Chairperson on activities undertaken between the fourteenth and fifteenth sessions of the Committee**

11. **The Chair** said that the first event of the programme for the tenth anniversary of the Convention would be held on 19 April 2016 and that regional events were planned in the United States of America, Chile, Ethiopia, and possibly in Asia. A high-level meeting would be held with Member States that had not yet ratified the Convention during the Conference of States parties in June 2016. A side event would also be held at that time to discuss overlap between the Convention and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The Committee was working with the communications section of OHCHR on the visual aspects and messaging of the anniversary celebrations. Welcoming the adoption of the draft General Assembly resolution on the Convention and its Optional Protocol (A/C.3/70/L.25/Rev.1), she noted that the draft resolution also requested the Secretary-General to allocate sufficient funds so that OHCHR could adequately support the Committee and disability-related activities.

12. Under its programme of work for 2016, the Committee would consider 2.15 State party reports per week of meetings. The Committee would have to continue improving its productivity in order to achieve the target under resolution 68/268 of 2.5 reports per week. Eight new communications had been registered in 2015, and it was hoped to adopt views in four cases during the course of 2016. During the inter-sessional period, the Committee had continued its work in a number of areas, including draft general comments on articles 6 and 24, the simplified reporting procedure, guidelines on the participation of national human rights institutions, the inquiry procedure, a day of general discussion on article 19 and the preparation of side events to be held during the next Conference of States parties.

13. She stressed the importance of maintaining a geographic and gender balance when electing new members and looked forward to the Committee's involvement in future international meetings and events.

**Submission of reports by parties to the Convention under article 35**

14. **Ms. Harvey** (Office of the United Nations High Commissioner for Human Rights (OHCHR)) said that, since the Committee's fourteenth session, initial reports had been received from Albania, Bahrain, Djibouti, Estonia, India, Kuwait, Myanmar and the Bolivarian Republic of Venezuela. In total, 94 reports had been received, 61 of which had yet to be considered.

**Adoption of the agenda** (CRPD/C/15/1)

**Organizational matters**

15. **The Chair** drew attention to the provisional agenda and the tentative programme of work, which were contained in document CRPD/C/15/1 and the annex thereto.

16. *The agenda and the programme of work were adopted.*

17. **Ms. Devandas Aguilar** (Special Rapporteur on the rights of persons with disabilities) said that she had carried out official visits to Paraguay and the Republic of Moldova. Her findings following the visit to the Republic of Moldova had been shared with the Committee in its pre-sessional working group. She had also published two thematic reports, one on the right of persons with disabilities to participate in decision-making (A/HRC/31/62) and the other on the right of persons with disabilities to social protection (A/70/297). In drafting both reports she had worked closely with States and civil society organizations and had received record numbers of contributions, which testified to the widespread interest in supporting her mandate.

18. At the thirty-first session of the Human Rights Council she had taken part in the annual interactive debate on the rights of persons with disabilities, focusing on article 11 of the Convention. A report on that subject had been drafted by OHCHR. She was working with the Committee to ensure that the outcome documents from the World Humanitarian Summit 2016 made clear reference to humanitarian responses which were inclusive and accessible to persons with disabilities and contained tangible recommendations in that regard. She was also involved in the work of a Commission for Social Development panel, which focused on how the Commission would monitor the rights of persons with disabilities and the achievement of the Sustainable Development Goals in the future. The panel advocated for broader cooperation within the United Nations system, including the Committee and the relevant specialized agencies, in reporting on and monitoring actions to promote the rights of persons with disabilities. Deeper cooperation in that field would strengthen the Commission's influence on ECOSOC's work in implementing the Goals. The General Assembly had pointed out that the United Nations Statistical Division had a fundamental role to play in ensuring that disaggregated data were made available for implementation purposes. An appeal from the Committee for the better disaggregation of statistical information, which was essential to inform policies addressing persons with disabilities, would be welcome.

19. She had worked closely with the World Bank on the issues of poverty reduction and data compilation and had also cooperated with other mandate holders, United Nations agencies and committees, notably with the Special Rapporteur on the right to health and the Working Group on the issue of discrimination against women in law and in practice, on objectives such as reducing poverty among persons with disabilities. References to persons with disabilities were becoming more frequent in the reports of other mandate holders and she had provided guidance on how to formulate such references where appropriate.

20. In cooperation with the Subcommittee on Prevention of Torture, efforts were being made to bring the latter's case law into line with the Convention. Similar efforts were required in regard to the other treaty monitoring bodies. On the occasion of the

International Day of Persons with Disabilities, 16 of the United Nations agencies present in Geneva, together with civil society partners, had come together to embrace diversity. That was an important achievement and one which should be repeated in the future. She was coordinating her work with that of the Independent Expert on the enjoyment of human rights by persons with albinism and suggested that the Independent Expert should be invited to address the Committee. She would also join with other mandate holders and OHCHR to call for universal ratification of the Convention on the occasion of the tenth anniversary of its adoption.

21. **Ms. Lange** (Office of the United Nations High Commissioner for Refugees (UNHCR)), speaking also on behalf of the Inter-Agency Support Group on the Convention on the Rights of Persons with Disabilities (IASG), said that the Group was preparing a charter and action plan to promote the inclusion of persons with disabilities in humanitarian responses, which would contain commitments and guidelines applicable to all stakeholders, including States, United Nations agencies and civil society. The Group's sub-working group on women and girls with disabilities had carried out various activities to address cross-cutting gender and disability issues, including gender-mainstreaming projects.

22. Support was provided for OHCHR policy formulation and for the development of improved statistical tools for disaggregated data collection. The Group had created an e-learning course on the subject of a human rights approach to disability and had provided training on the same issue. The Group would be promoting universal ratification of the Convention on the occasion of the tenth anniversary of its adoption and intended to harness implementation of the Convention in support of the 2030 Agenda for Sustainable Development. The Committee was invited to attend the Group's annual meeting in Istanbul in 2016.

23. **Mr. Chavez** (Office of the United Nations High Commissioner for Human Rights (OHCHR)) said that, pursuant to Human Rights Council resolution 28/4 (A/HRC/RES/28/4), OHCHR had been mandated to prepare a study on the rights of persons with disabilities in situations of risk and humanitarian emergencies. The study, drafted with valuable substantive input from the Committee, had been welcomed by the Council and published on its website. Two more reports, on equality and non-discrimination and on the right to justice, respectively, would follow in 2016 and 2017. The participation of the Chairperson would be welcomed at the 2016 Social Forum, to be held in October. OHCHR was also planning to begin a project to implement the 2030 Agenda for Sustainable Development, to be carried out over the coming four years. The project would focus on developing human rights indicators for the Convention, drafting guidelines for the implementation of the Sustainable Development Goals and the Convention and designing training materials on the same subject. A wide-ranging consultation would be carried out as part of the project and any input from the Committee would be welcome.

24. The High-level Political Forum on Sustainable Development was designed to provide leadership and guidance on the implementation and monitoring of the 2030 Agenda. It would be useful if the Committee could highlight the obligations arising from article 43 of the Convention when considering the reports of States parties. Following a request from the General Assembly, a comprehensive report on accessibility in the United Nations system was being prepared. Although the Secretary of the Committee had already contributed to the report, independent submissions from individual Committee members would also be welcome.

25. **The Chair** said that she looked forward to continued fruitful cooperation between the Committee and the OHCHR team responsible for human rights and disability issues.

26. **Ms. Blomberg** (United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women)) noted that 2015 had been a landmark year for women's issues,

marking the twentieth anniversary of the Beijing Declaration and Platform for Action, the fifteenth anniversary of Security Council resolution 1325 (2000) on women and peace and security, the tenth anniversary of the adoption of the Convention on the Rights of Persons with Disabilities and the twenty-fifth anniversary of the Committee on the Elimination of Discrimination against Women general recommendation No. 18 on disabled women. The 2030 Agenda for Sustainable Development likewise recognized the importance of gender equality, including specifically for women with disabilities, in achieving the Sustainable Development Goals.

27. UN-Women mainstreamed disability and the gender perspective in all its coordination and operational work and promoted the participation and leadership of women and girls with disabilities in both formal and informal settings, for example through its work with the Commission for Social Development and the Conference of States parties to the Convention and preparations for the forthcoming Third United Nations Conference on Housing and Sustainable Development (Habitat III). It had worked with other entities to create the Inter-Agency Support Group on the Convention on the Rights of Persons with Disabilities and collaborated with governments, civil society and United Nations system partners to promote economic and political empowerment for women, end violence against women and promote the gender perspective in peace and security and humanitarian initiatives.

28. In the context of UN-Women's Safe Cities Global Initiative, local councils in Fiji had been encouraged to allocate funds for accessible sanitary facilities in municipal markets and for training in gender and disability issues. Women with disabilities were included in training provided by UN-Women on violence, gender and disability. In the area of peace and security and humanitarian action, in Colombia, in accordance with the results of the Human Needs Overview, disaggregated indicators were being developed to identify the needs of specific populations, including persons with disabilities. In India UN-Women had supported efforts to track budget allocations for gender equality and more specifically women and girls with disabilities. In the area of violence against women, in Zimbabwe UN-Women had supported the creation of advisory groups on access to justice for women, some members of which were women with disabilities. The UN-Women Fund for Gender Equality and the United Nations Trust Fund to End Violence against Women had helped fund a first workshop in Cabo Verde on the sexual and reproductive health of women with disabilities. The UN-Women representative in Pakistan was a woman with a disability.

29. Given the importance of reliable data for the achievement of gender equality, UN-Women was committed to promoting the production of reliable gender-disaggregated statistics to facilitate the achievement of the Sustainable Development Goals and the empowerment of all women and girls, including those with disabilities.

30. **The Chair** thanked UN-Women for its support and said that she looked forward to its contribution to the Committee's general comment No. 3 on article 6 of the Convention, on women and girls with disabilities.

31. **Ms. Viviani** (United Nations Children's Fund (UNICEF)) said that UNICEF was proud of its collaboration with the Committee and continued to strengthen the disability rights component of its activities as it implemented the 2030 Agenda for Sustainable Development. In 2015 UNICEF country offices had promoted the rights of children with disabilities in such areas as education, health and social protection.

32. Education was a particularly important focus. Sustainable Development Goal 4 on quality education specifically referred to persons with disabilities and global indicator 4.a.1 (d) specifically required reporting on adapted infrastructure and materials for students with disabilities. In that context she noted that the previous week UNICEF had released a model survey developed jointly with the Washington Group to help countries monitor the progress

made by children with disabilities throughout the period of implementation of the 2030 Agenda. UNICEF was also working with partners to systematically mainstream the needs of children with disabilities, who faced increased risks during emergencies. Accessibility adjustments had for example been made to emergency school kits and practical guidance for dealing with children with disabilities was included with the kits.

33. UNICEF itself was endeavouring to become a more inclusive workplace for persons with disabilities. A surcharge on official travel was being used to fund renovations to make premises more accessible. UNICEF would continue to contribute to the work of the Committee, including during the day of general discussion on article 19, on living independently and being included in the community.

34. **The Chair** noted UNICEF's long-standing contribution to the work of the Committee as well as that of the Committee on the Rights of the Child.

35. **Ms. Loon** (World Intellectual Property Organization (WIPO)) said that 16 countries had thus far ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled; only 4 more ratifications were needed for the Treaty to enter into force, a target that should be reached by the summer of 2016. She stressed the importance of the creation of national frameworks to facilitate access to published works as well as mechanisms to facilitate the international sharing of accessible works. With regard to practical implementation measures, she noted the joint efforts of WIPO and the Committee secretariat, together with other stakeholders, including Member States, libraries, concerned institutions and publishers of works for the blind, to promote awareness of the Convention and the implementation of the Marrakesh Treaty. She looked forward to further cooperation with the Committee.

36. **The Chair** welcomed the high number of ratifications of the Marrakesh Treaty achieved in a relatively short period of time and noted that the Committee's concluding observations often called on States parties to ratify that Treaty.

37. **Ms. Cieza** (World Health Organization (WHO)) said that the WHO disability action plan had three goals: improving access to health services for persons with disabilities; strengthening rehabilitation, assistive technology and community-based rehabilitation; and strengthening the collection of internationally comparable data. WHO was preparing guidance documents for Member States on how to implement disability-inclusive public health care and how to ensure disability-inclusive universal health coverage. A document was also being finalized on rehabilitation guidelines that stressed that rehabilitation must be included in health coverage and made universal. A road-map document was being drafted for rehabilitation stakeholders for the next 15 years and a list of priority assistive products, similar to the list of essential medicines adopted in many countries, had just been finalized. WHO provided support to Member States in the implementation of community-based rehabilitation and would take advantage of the Second World Congress on Community-Based Rehabilitation, in September 2016, to reflect on the implementation of the Convention and the Sustainable Development Goals.

38. With regard to the collection of data, WHO was implementing its model disability study in many countries, for example Chile, Sri Lanka, the Philippines and Panama. The objective was to collect information on disabilities not only as a health issue but also in the context of the relationship between individuals and their environment. WHO cooperated in the collection of data with other United Nations agencies including the United Nations Statistical Commission as a member of the Inter-Agency Support Group and in the context of the United Nations Partnership to Promote the Rights of Persons with Disabilities (UNRPD). Lastly, she noted the contribution of WHO specialists in mental health to Member States' efforts to implement the Convention for persons with psychosocial disabilities.

39. **The Chair** said that the Committee had taken note of WHO's efforts in the areas of rehabilitation and data collection and looked forward to continued cooperation.

40. **Ms. Shorr** (International Telecommunication Union (ITU)) said that accessible information and communication technologies (ICTs) were the foundation for independent living, education and employment for persons with disabilities. The work of ITU was related mainly to article 9 of the Convention, on accessibility. Making ICT accessibility a reality required both technical standards and a legislative and regulatory framework. ITU had ratified the first international accessibility standard for the blind in 1994 and had developed a telecommunications accessibility checklist for the development of technical standards. Guidelines on accessibility for older persons and persons with disabilities had been adopted. ITU had collaborated with other bodies, including the International Organization for Standardization (ISO) and the International Electrotechnical Commission (IEC), on a joint policy statement on standardization and accessibility. In 2015 guidelines on accessible meetings that provided for the use of mechanisms such as captioning and sign language had been adopted. ITU also had an accessibility policy to make its facilities and events more accessible.

41. In the area of legal frameworks, ITU had developed a report on a model accessibility policy to help countries implement article 9 rights. That policy included how to modify legislation, guidelines on accessible facilities and communications and the need to ensure public procurement of accessible technology as an example and incentive for private market providers. The report was available in numerous languages and formats including e-book and could be found online. Training was available for Member States and stakeholders and regional events had been organized in the Arab countries, the Commonwealth of Independent States (CIS) and in Europe to promote accessible ICTs. In addition, on 2 May 2016, in Geneva, an entire day of the World Summit on the Information Society would be devoted to ICT accessibility, including a session on policies and standards for public procurement of ICTs. A meeting on accessible ICTs was envisaged for Africa and the third accessible Americas event would be held in Mexico City on 29-30 November 2016. She encouraged the Committee to disseminate information on the ITU model accessibility policy.

42. **The Chair** agreed that public procurement of accessible technology was important. She said that information on the regional meetings on accessible ICTs should be provided to the secretariat for distribution to Committee members as well as to Member States.

43. **Mr. Chowdhury** (International Strategy for Disaster Reduction (UNISDR)) said that country reports arising out of efforts to implement the Sendai Framework for Disaster Risk Reduction 2015-2030, adopted the previous year, had highlighted the particular vulnerability of persons with disabilities in disaster situations. The contribution they could make to building resilient societies and preparing for and responding to disasters was often overlooked. With a view to obtaining precise data on the impact of disasters on persons with disabilities, in October 2013 the first ever survey of persons living with disabilities had been undertaken. Some 5,700 people from 130 countries had participated, providing a portrait of a resilient group ready to participate but rarely consulted about disaster management. Only 20 per cent had said that they would be able to evacuate easily in the event of a disaster, most could do so only with great difficulty, and 6 per cent not at all.

44. The Sendai Framework marked a paradigm shift in attitudes and recognized that governments must include persons with disabilities in disaster management planning, including early warning systems, responses to all types of hazards and rehabilitation and reconstruction efforts. Disaster reduction plans and normative frameworks must include a disability perspective while also respecting the principle of universal design.

45. The Sendai Framework also took account of the need to protect human rights in the context of disaster reduction and response. The prevention and reduction of disaster risk constituted a means to protect human rights to the extent that such efforts protected people's lives and livelihood. He highlighted the relevance of article 11 of the Convention, on situations of risk and humanitarian emergencies, for the implementation of the Sendai Framework and the adoption of appropriate measures to enhance accountability in disaster risk management. The Committee's concluding observations could also serve as a useful tool for the promotion of the Framework.

46. **Ms. Almeida** (International Disability Alliance (IDA)) said that the International Federation for Spina Bifida and Hydrocephalus (IFSBH) and the African Disability Forum (ADF) had recently joined the International Disability Alliance. The Alliance and the International Disability and Development Consortium (IDDC) had jointly prepared a guide and toolkit on the implementation of the 2030 Agenda for Sustainable Development from a disability perspective, and had held webinars and workshops on the Sustainable Development Goals (SDGs) for organizations of persons with disabilities in several countries that were to be the subject of review by the High-level Political Forum on Sustainable Development. In October 2015, the Alliance had held a regional conference in São Paulo, leading to the adoption of a declaration on the implementation of the 2030 Agenda for Sustainable Development in line with the Convention. In the same month, the Alliance had carried out a mission to Peru to review implementation of the Committee's 2012 concluding observations.

47. The Alliance had taken part in an international workshop held in November 2015 in Seoul on the follow-up to the implementation of the Convention and the effectiveness of the Committee's recommendations. Furthermore, the Alliance was currently working to encourage organizations of persons with disabilities to take part in the Social Forum and had provided them with information on nominations for membership of the Committee, focusing in particular on women with disabilities as potential candidates. Efforts were continuing to mainstream the standards of the Convention and facilitate the participation of organizations of persons with disabilities in the work of the treaty bodies.

48. The February 2016 session of the Committee on the Elimination of Discrimination against Women had been attended by an unprecedented number of women with disabilities from across the world, resulting in a high number of recommendations from the Committee that explicitly referred to women and girls with disabilities, including one on ensuring that disability was a prohibited ground of discrimination in terms of the right to vote. The Committee on Economic, Social and Cultural Rights had recently adopted general comments Nos. 22, on the right to sexual and reproductive health, and 23, on the right to just and favourable conditions of work, both of which highlighted the rights of persons with disabilities.

49. **Ms. Minkowitz** (Centre for the Human Rights of Users and Survivors of Psychiatry (CHRUSP)) said that the Centre for the Human Rights of Users and Survivors of Psychiatry had conducted a campaign to highlight civil society support for the absolute prohibition of involuntary commitment and forced treatment. A large number of testimonials submitted by survivors of psychiatry, clinicians, academics and organizations working in the field had been posted online and provided compelling evidence that there was a need for the Committee to continue to fight for equal rights for persons with psychosocial disabilities. Situations of involuntary commitment and forced treatment constituted violations of the Convention and must be addressed as part of the work of monitoring the Sustainable Development Goals. The campaign would focus on reaching out to Asia and Africa in search of contributions and dialogue on barriers to participation.

50. **Ms. Lee** (International Disability and Development Consortium (IDDC)) said that the International Disability and Development Consortium had been advocating the

inclusion of persons with disabilities in the Sustainable Development Goals and the Addis Ababa Action Agenda and working to ensure that the global indicator framework developed by the Inter-Agency and Expert Group on Sustainable Development Goal Indicators contained sufficient explicit references to persons with disabilities. The Consortium continued to engage with United Nations human rights mechanisms to influence standard setting. Furthermore, the Consortium was monitoring implementation of the Convention in all the European Union's external action activities and was encouraging that body to champion the rights of persons with disabilities at the international level through an inclusive 2030 Agenda. Partnerships with and networks of organizations of persons with disabilities in developing countries had been promoted to boost sustainable development that was in line with the Convention. Support had been provided to cross-disability movements seeking to ensure the full participation of all persons with disabilities and the involvement of their organizations in disability rights monitoring, focusing on the Convention and the Sustainable Development Goals.

51. Strategy meetings would be organized with the Joint United Nations Programme on HIV/AIDS (UNAIDS) and the Global Fund on the inclusion of disability in regional and international responses to the HIV/AIDS pandemic. Work was ongoing to promote article 25 of the Convention and objective 1 of the World Health Organization (WHO) global disability action plan 2014-2021 relating to the improvement of access to health services for persons with disabilities. The Consortium had hosted a side event at the Sixty-eighth World Health Assembly on the inclusion of disability in Sustainable Development Goal 3, would continue to participate in that forum and was planning a survey of organizations of persons with disabilities in order to identify good inclusive health practices.

52. The Consortium welcomed Sustainable Development Goal 4 and the Education 2030 Framework for Action, continued to promote inclusive education and intended to influence education financing and the Education for All Global Monitoring Report. Work was ongoing to promote awareness and implementation of the Convention at the local level, as well as the use of Convention-compliant language in the development of new materials on community-based rehabilitation and the Convention.

*The discussion covered in the summary record ended at 12.15 p.m.*

United Nations CRPD/C/SR.234

Convention on the Rights of Persons with Disabilities

Distr.: General
5 April 2016

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**Committee on the Rights of Persons with Disabilities**
**Fifteenth session**

**Summary record of the 234th meeting**
Held at the Palais Wilson, Geneva, on Tuesday, 29 March 2016, at 3 p.m.

*Chair*: Ms. Cisternas Reyes

## Contents

Consideration of reports submitted by States parties under article 35 of the Convention

*Initial report of Portugal*

This record is subject to correction.

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*The meeting was called to order at 3.05 p.m.*

**Consideration of reports submitted by States parties under article 35 of the Convention**

*Initial report of Portugal* (CRPD/C/PRT/1; CRPD/C/PRT/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Portugal took places at the Committee table.*

2. **Ms. Antunes** (Portugal), introducing her country's initial report (CRPD/C/PRT/1), said that Portugal was strongly committed to promoting civil, political, economic, social and cultural rights for persons with disabilities. Moreover, it defended the universal, independent and inviolable nature of such rights. The report and the replies to the list of issues (CRPD/C/PRT/Q/1/Add.1) had been drafted with the assistance of experts on matters pertaining to disability in public sector institutions. Civil society organizations too had been encouraged to provide input and to submit shadow reports. She was particularly grateful to the Ombudsman and the Disability and Human Rights Observatory for their reports. The Ombudsman produced human rights indicators addressing areas such as health care and domestic violence and was developing specific indicators for persons with disabilities.

3. With a view to complying with article 33 (2) of the Convention, Portugal had set up a standing monitoring body composed of 10 experts, namely a member of the Assembly of the Republic (the national parliament), a representative of the Ombudsman's office, a member of the National Human Rights Committee, a member of the representative body of organizations of persons with disabilities, representatives of five NGOs dealing with disability and an academic who had undertaken important research in the area.

4. The National Secretariat for Rehabilitation had been established in 1977. The corresponding body was now known as the National Institute for Rehabilitation and was responsible for the implementation of policies in support of persons with disabilities. Before ratifying the Convention, Portugal had enacted legislation concerning areas such as physical and digital accessibility, employability, early intervention for children and inclusive education. Law 46/2006 prohibiting discrimination on grounds of disability was a vital piece of legislation that penalized acts of direct and indirect discrimination, regardless of their setting.

5. The National Institute for Rehabilitation had played a fundamental role in raising awareness. A weekly television programme had featured success stories on the inclusion of persons with disabilities and had publicized projects sponsored by organizations of persons with disabilities in partnership with companies and civil society organizations. Prizes for promoting accessibility included an accessible beach award and a prize for those municipal councils that took vigorous action to promote physical accessibility and the use of accessible communication technologies. The National Institute for Rehabilitation also played an important role in capacity-building for persons with disabilities.

6. Existing partial and plenary guardianship arrangements for persons with disabilities constituted a major shortcoming in Portuguese legislation. For instance, under the current law, blind and blind-deaf persons could be prevented from managing their personal affairs or estates. The parliament was currently reviewing the legislation. Hopefully, all provisions denying legal capacity on grounds of physical disability would be rescinded during the first half of 2016 and those denying legal capacity on grounds of intellectual disability would be restricted. Fortunately, the law had long been interpreted by the courts in a manner that impeded the denial of legal capacity on grounds of physical disability.

7. The period of compulsory education was 12 years. Children with disabilities had been integrated into mainstream schools since the 1980s, and the current proportion of

integrated children included in mainstream education was about 98.5 per cent. Preference for enrolment at nursery, primary and secondary levels was given to children with disabilities. However, shortcomings had been identified in terms of human resources, equipment and technology. She had signed a protocol concerning inclusive education on 28 March 2016 with the Minister of Health and the Minister of Education. The protocol provided for special education allowances and the introduction of subjects into curricula for children with multiple disabilities and those with autism spectrum disorders.

8. Social support to offset disability-related costs had been provided for several decades. The three basic aims were to promote social inclusion, to combat poverty among persons with disabilities and to promote their employability. The Institute for Employment and Vocational Training had developed assessment procedures for the training and employment of persons with disabilities and support measures for removing architectural barriers in workplaces. Employers could also receive monetary support when they hired persons with disabilities.

9. The Engenheiro Jaime Filipe prize was awarded for technological innovation that enhanced the living conditions of persons with disabilities.

10. The National Institute for Rehabilitation and the Portuguese Institute of Sport and Youth had provided support for the Paralympic project. Every year, they signed a range of protocols with sports federations with the aim of providing for adaptive sports.

11. As a blind person, she was honoured to serve as head of the Secretariat of State for Inclusion of Persons with Disabilities, which had been created by the current Government. The Secretariat planned to implement a range of projects and initiatives, including measures to regulate employment quotas in the private sector. A white paper on the agenda for inclusion would be finalized by the end of the year.

12. **Ms. Peláez Narváez** (Country Rapporteur) commended the State party on its appointment of a blind woman as Secretary of State for Inclusion of Persons with Disabilities.

13. She noted the persistence of the medical rehabilitation paradigm in many aspects of the life of persons with disabilities in the State party, including with respect to equal recognition as a person before the law and equal access to and participation in education and political life. Major steps had been taken to address the issue, and improvements were discernible in areas that had previously depended on a charity-based public policy.

14. The economic crisis and lack of financial resources had impeded the implementation of various legislative, political, social and economic provisions during the past five or six years. The austerity measures had adversely affected the extremely important work being undertaken by organizations for persons with disabilities, which frequently operated as service providers and sought to uphold the principles enshrined in the Convention.

15. The Committee was concerned that the denial of reasonable accommodation was not yet recognized as a form of discrimination under the State party's legislation and that employers were not legally required to guarantee such accommodation.

16. The National Plan for Gender Equality, Citizenship and Non-Discrimination contained only one measure designed to raise awareness of the problems faced by women with disabilities. The National Plan against Domestic Violence provided for measures to address the vulnerability of women and children with disabilities, but they were not being implemented in practice.

17. No specific measures had been taken to prevent the institutionalization of children with disabilities. The existing legislation actually promoted or facilitated the separation of children with disabilities from their families. For example, deaf, blind, visually impaired or

autistic children sometimes had to be transferred to schools in other towns, a move that occasionally entailed institutionalization. The National Disability Strategy failed to address the situation of children with disabilities.

18. While the State party had enacted quite comprehensive legislation on accessibility, recent legislation on urban regeneration had exempted historic buildings from full compliance with accessibility regulations.

19. It was essential to amend the provisions of the Civil Code that provided for the denial of legal capacity. The authorities were currently focusing on physical or sensorial disability, but article 12 of the Convention made no distinction between types of disability in respect of the recognition of legal capacity. With regard to liberty and security of the person, the Committee was concerned that people with mental disabilities might be subjected under Portuguese law to enforced internment for the purpose of treatment or in the interests of security.

20. She commended the National Programme for Mental Health, which offered persons with psychosocial disabilities direct access to care within their communities. However, persons with disabilities regrettably continued to be subjected, without their consent, to terminations of pregnancy, sterilization, scientific research, electroconvulsive therapy and psychosurgery. They could also be denied custody of their children under the plenary guardianship regime. Moreover, the State party had taken no action to assist parents with disabilities in rearing their children. While it was commendable that 98.5 per cent of children with disabilities were included in mainstream schools, segregation persisted within the inclusive education process, and the assessment of the educational needs of children with disabilities was reportedly based on the International Classification of Functioning, Disability and Health, in other words on the medical rehabilitation paradigm. Persons with disabilities also faced major restrictions on access to university qualifications in areas such as physiotherapy.

21. Prior to the October 2015 elections in the State party, the National Election Commission had allowed the election authorities to require that persons with "obvious" mental disabilities must present documentation proving their capacity to vote. Such requirements were incompatible with article 29 of the Convention.

*Articles 1-10*

22. **Mr. Tatić** asked how many complaints of disability-based discrimination had been received by the various authorities of the State party, how many cases had been prosecuted and whether anyone had been convicted of the criminal offence of discrimination on the grounds of disability. The delegation should provide additional information on the mechanisms established for monitoring compliance with accessibility laws and regulations and on the challenges faced and solutions found during the renovation of historic buildings in terms of making them accessible. What support services were available to wheelchair users like himself who, after landing at the Lisbon airport, might wish to transfer to a hotel, visit government buildings or access the office of an association of persons with disabilities?

23. **Ms. Quan-Chang** asked what measures had been taken to ensure that the disability certification procedure was accessible and affordable to all concerned and what benefits it provided. She wished to know whether the Government planned to broaden its consultation with organizations of persons with disabilities in policymaking and decision-making issues of concern to them, given the current low level of their participation. Had the complaint mechanism set up under the National Plan against Domestic Violence compiled statistics on the number of complaints of violence lodged by women and girls? The delegation should provide information on the status of such cases and on any protection measures that had been provided to the victims.

24. **Mr. Basharu** asked what steps were being taken to mainstream children with disabilities into society so that they could enjoy their rights on an equal basis with their peers. What measures was the State party taking to involve the media in its awareness-raising campaign on the rights of persons with disabilities, and to what extent were persons with disabilities and their representative organizations involved in the campaign? He requested a description of the progress that had been made under the National Plan for the Promotion of Accessibility and the level of involvement of persons with disabilities and their organizations in its implementation, particularly with regard to measures to guarantee accessibility to blind and deaf persons.

25. **Ms. Degener** said it was regrettable that, owing to a lack of government support, only one representative of civil society had been able to attend the interactive dialogue with the Committee. She expressed the hope that others could participate via the webcast of the meeting. She asked what measures the new Government planned to take in order to increase the participation of organizations of persons with disabilities in the implementation of the Convention. Did the State party's anti-discrimination law contain a definition of discrimination that included the denial of reasonable accommodation as a form of discrimination, and did it address multiple and intersectional forms of discrimination, such as that experienced by women with disabilities? She expressed concern that, in its report, the State party appeared to equate primary prevention measures, such as prenatal diagnosis and the prevention of road traffic accidents, with measures taken to implement the Convention. Doing so perpetuated the medical model of disability, to the detriment of the human rights model. She asked whether the State party had plans to review its prevention policy and to implement a human rights model of disability.

26. **Ms. Kingston** asked to what extent laws and policies on gender-based violence addressed questions related to disability and whether women with disabilities had been consulted in the preparation of such laws and policies. The delegation should provide the Committee with information on the number of women and girls who had been subjected to domestic violence in Portugal and should state whether the Government planned to use the indicators on violence developed by the Ombudsman. She would like to know what methods had been developed to ensure that the opinions of children with disabilities were taken into account by the Government and what measures were being adopted to combat gender and disability stereotyping in the mass media.

27. **Mr. Langvad** asked what initiatives were envisaged to ensure that organizations of persons with disabilities were provided the support they needed to act as genuine spokespersons for persons with disabilities at the local and national levels and with regard to the European Union, and not merely as service providers. The State party should give due consideration to that matter in its development goals. What initiatives did the State party plan to take to ensure that reasonable accommodation was not restricted to the field of employment, and that it would be addressed in all spheres of society and in relation to all laws? What legislation was planned to ensure that world heritage sites recognized by the United Nations Educational, Scientific and Cultural Organization (UNESCO) were accessible not only for wheelchair users but for all disability groups? What percentage of public websites were currently fully accessible? As for those that were not yet accessible, what initiatives would be taken to guarantee their accessibility, and what mechanisms had been set up to enforce accessibility standards, including penalties for non-compliance?

28. **Mr. You** Liang said that the article containing the definition of disability was at the heart of the Convention and provided the foundation for the effective implementation of its other articles. The Convention's human rights approach represented a radical departure from the traditional model. Paragraph 36 of the State party's report suggested, however, that precedence was still being given in Portugal to the institutionalization of children and young people with disabilities, which was contrary to the spirit of the Convention. Did the

State party systematically review and take practical steps to change laws, policies and practices that were not in conformity with the Convention? He asked whether the Government took disability into account in its national plans for economic and social development. The delegation should provide detailed information on the provision of rehabilitation services and the early identification or early prevention of disability for children from birth until the age of 6, which was vital for ensuring the future enjoyment of their rights on an equal basis with others.

29. **Mr. Lovászy** requested an explanation of the State party's experience in applying the International Classification of Functioning, Disability and Health. The delegation should provide details concerning the sanctions for disability-based discrimination to which reference was made in paragraph 21 of the State party's report. Did the new Government have any plans to introduce changes to the Disability Commission? According to the report, a study on the impact on women of disability-based discrimination had concluded that women with disabilities were generally considered to be less productive than other women. What measures had been taken to change such assumptions? He asked whether easy-to-read and sign language versions of the Convention, apart from the child-friendly one mentioned in the State party's report, were available.

30. **Mr. Kim** Hyung Shik asked to what extent the Government consulted and supported organizations of persons with disabilities in efforts to give effect to the Convention and what plans it had to involve them in future efforts, especially those aimed at monitoring compliance with the Convention. He also asked what mechanisms had been adopted to monitor the implementation of the National Strategy on Disability and what outcomes had been achieved on the basis of such monitoring. What measures had been taken to raise awareness of disability rights in general? Had they also included the education of high-level policymakers, members of the legal profession and parliamentarians in the provisions of the Convention?

31. **Mr. Buntan** asked whether the public funding given to organizations of persons with disabilities was provided in accordance with a legal requirement or merely as a matter of policy and whether monitoring was conducted to ensure that such organizations had an effective level of participation in all matters affecting persons with disabilities. Would the State party consider amending its Constitution to incorporate the prohibition of disability-based discrimination? The delegation should inform the Committee whether accessibility standards had been codified by means of legislation and whether any laws or regulations had been adopted to ensure that future accessibility standards kept pace with international standards and practice.

32. **Mr. Pyaneandee** asked what percentage of the national budget was allocated to combating discrimination against persons with disabilities and to giving effect to the Convention, and what policy measures had been taken or were planned in order to increase such allocations as a share of gross domestic product.

33. **Mr. Al-Tarawneh** asked what actions the State party was taking to raise awareness of the rights of persons with disabilities and whether it provided financial support to organizations of persons with disabilities for such activities. He wished to know whether municipalities played a role in guaranteeing the accessibility of existing public facilities and whether they enacted laws or regulations to ensure that newly built structures complied with accessibility guidelines.

34. **The Chair** said that she wished to know why not all the measures provided for by the National Strategy on Disability for 2011 to 2013 had been taken. What was being done to ensure that the new strategy, which would be in effect until 2020, would not suffer a similar fate? Persons with disabilities who believed that they were victims of discrimination

reportedly had to file a complaint with the National Institution for Rehabilitation before bringing action before the courts. That in itself could be seen as a form of discrimination.

*The meeting was suspended at 4.30 p.m. and resumed at 4.45 p.m.*

35. **Ms. Antunes** (Portugal) said that the medical approach to the assessment of disability was no longer prevalent in Portugal. In fact, all references to that approach had been removed from Portuguese legislation starting in the 1990s. A social approach currently underpinned all the work done with persons with disabilities. Some considered that the pendulum had swung too far and that undue pressure was put on those working with persons with disabilities to abandon a medical approach that, in some cases, was still necessary.

36. Persons with disabilities were in no way systematic victims of discrimination in the Portuguese labour market. A system to help employers provide reasonable accommodation was in place, and it functioned smoothly.

37. Since 2013, there had been a €50 fee for the delivery of a certificate attesting to the bearer's disability. The Secretariat of State for the Inclusion of Persons with Disabilities opposed the fee and was currently making efforts to have it abolished or considerably reduced. The certificate entitled the holder to a number of benefits, including various tax breaks and, since early 2016, a discount of 75 per cent on train fares.

38. The National Secretariat for Rehabilitation had been dissolved, and its place had initially been taken by a large, unwieldy commission on which a number of loosely related organizations had been represented. When it had become clear that such a commission was impractical, smaller, temporary commissions representing the interests of organizations of persons with disabilities had been set up as a stopgap measure. A proposal had been made to break the larger Disability Commission down into smaller commissions, each to be responsible for a given area of work, including disabilities and inclusion.

39. The National Institute for Rehabilitation worked closely with law enforcement agencies to combat violence against persons with disabilities, and specifically women. Agreements on training for police officers had recently been signed, for example, and a system had been set up for reporting violence and referring victims to appropriate service providers. More than 300 cases involving allegations of violence had been reported. Information on the percentage of the victims who were female was not available.

40. **Ms. Castello-Branco** (Portugal) said that, in accordance with the Constitution, international instruments ratified or approved by Portugal were an integral part of domestic law. The Convention was therefore directly applicable in the Portuguese legal order, and in fact it had been expressly mentioned in at least three rulings of the country's higher courts. Although article 13 of the Constitution, which stated that all persons were equal before the law, did not refer specifically to persons with disabilities, the equal rights of such persons were mentioned in article 71. The Constitution also enshrined a number of other rights to which persons with disabilities were entitled. A person's legal capacity could be limited only as duly provided for by law.

41. **Mr. Teixeira** (Portugal) said that in recent years all government agencies had received instructions to make their Internet sites accessible to persons with disabilities. As a result of ongoing efforts to comply with those instructions, 75 per cent of websites had been made accessible.

42. **Mr. Cunha** (Portugal) said that children, with or without disabilities, were given ample opportunity to make their views known in the education system. A recent order of the Ministry of Education, for instance, had stressed the obligation to take children's opinions of decisions concerning their future into consideration. In addition, conferences had been held throughout the country to enable young people, including children with

disabilities, to share their views on health education in the schools. Dozens of children between 3 and 6 years of age, with and without disabilities, had been asked for their views on a draft early childhood education curriculum. It had been the first time such consultation had been held in the history of the Portuguese education system.

43. The Portuguese authorities took the view that the International Classification of Functioning, Disability and Health (ICIDH-2) clearly rejected the medical approach and was consistent with a psychological and social approach to addressing disability. The Classification focused on the functionality of the individual in his or her environment. It thus stressed the accommodation to be made to enable persons with disabilities to function in their environment. The Classification was not a system for assessment; it was used simply to organize information provided by various specialists working with persons with disabilities. It was viewed as a mears of allowing specialists from different fields to share opinions about a given person. Previously, persons with disabilities had been put through multiple assessments carried out in unrelated contexts, a situation that had clearly been detrimental to their enjoyment of their rights.

44. **Ms. Castello-Branco** (Portugal) said that the law provided for administrative penalties in the event of discrimination on grounds of disability. When persons with disabilities were victims of a crime as a result of their disabilities, their representative organizations were entitled to consult the case files and attend hearings. In addition, the Criminal Code contained a number of provisions in which discrimination was referred to as a component of the offence. Discrimination could thus be an aggravating circumstance in a criminal case and could lead to more severe penalties. She would be glad to provide the Committee with information in writing on the number of convictions for crimes involving discrimination.

45. **Mr. Madeira Serôdio** (Portugal) said that as part of its work, the National Institute for Rehabilitation produced a yearly report on the enforcement of Law 46/2006, which prohibited discrimination on grounds of disability. The most recent such report that had been posted to the Institute's website covered 2014 and included data on the number and kind of complaints and gender-disaggregated information on the people involved, along with information on the bodies to which those complaints had been submitted and the responses they had elicited.

46. The Institute facilitated the submission of complaints when it received information about cases of possible discrimination. Persons with disabilities who could not afford a lawyer were given free legal aid. Apart from consulting case files and attending hearings, NGOs could also submit additional complaints. While Law 46/2006 contained a list of examples of discrimination, it was not exhaustive. Failure to provide reasonable accommodation could serve as a basis for submitting a complaint of discrimination on grounds of disability.

47. **Mr. Conceição** (Portugal) said that although it was possible for employers to argue successfully that the provision of reasonable accommodation to employees with disabilities constituted an undue burden, no such arguments would prevail when, as was often the case, public funds were involved. In connection with the costs of adapting workplaces and removing architectural barriers, the State matched the contributions made by employers, up to a total of €6,000 per workplace. The State also funded the acquisition of assistive devices vital for access to employment or vocational training. In 2014, the national Institute for Employment and Vocational Training had devoted nearly €1.8 million to such efforts.

48. **Mr. Palaio** (Portugal) said that although it was correct that the National Plan for Gender Equality, Citizenship and Non-Discrimination (2014-2017) contained just one measure specifically addressing the situation of women and girls with disabilities, a broader reading of the Plan would make it clear that many of its other measures targeted their needs

indirectly. One measure, for example, established a prize for the municipal councils that made the greatest efforts to promote accessibility.

49. Complaints of domestic violence could be filed with the police or the Public Prosecutor's Office. Disaggregated data on such complaints were not yet available, as an instrument to collect them had been in place only since late 2014. From 2005 to 2014, the Commission for Citizenship and Gender Equality had received seven complaints in which the predominant form of discrimination had been discrimination on grounds of disability. Those complaints had been referred to the National Institute for Rehabilitation.

50. **Ms. Chamiça** (Portugal) said that, of the 27,317 complaints of domestic violence reported to the police, 84 per cent had been from women and 63 per cent from persons under the age of 18. With regard to persons with disabilities as a specific group of victims vulnerable to violence, including domestic violence, the majority had physical disabilities.

51. **Ms. Ferreira** (Portugal) said that, according to data from mid-2015, 266 children and young people with disabilities had been in institutions. However, of that number, 211 had been subject to protection measures, which meant that they had been institutionalized because they were at risk of neglect, abandonment or violence, not because they had disabilities. The Government paid particular attention to the situation of children and young people with disabilities, providing benefits through the social protection system and signing agreements with NGOs for the provision of services. The State provided differential funding for the inclusion of children with disabilities in early childhood services, and in 2015 it had agreed to make an additional contribution of €90 for every child with a disability attending a crèche or nursery school. The integrated National System of Early Childhood Intervention was run with the cooperation of the Ministries of Labour, Solidarity and Social Security, Education and Health and provided a range of holistic support measures, including preventive and rehabilitation measures, for children up to the age of 6 and their families. The Ministry of Health was responsible for detecting those children who were at risk or who required an intervention programme. A national commission, regional commissions and local teams all took part in the System's operation.

52. **Mr. Fragoso** (Portugal) said that a fully accessible metro station linking the airport to the city centre had been opened in 2012 and that most metro stations were accessible to persons with disabilities. The public transport network was not yet fully accessible, but that was the aim. The same legislation governed accessibility of public transport and accessibility of the built environment. The European Railway Agency's stringent technical guidelines had been transposed into domestic legislation and by the end of 2016 Portugal would have to present its plans for implementation. The aim was to achieve a fully accessible European rail network.

53. **Mr. Batista** (Portugal) said that a decree had been issued in 2006 setting out the accessibility standards for the construction and renovation of public buildings, residential buildings and the built environment. However, in historic areas and buildings, there were many constraints that made it difficult to meet all of the technical accessibility requirements. Legislation had thus recently been passed exempting renovation works from having to comply with the technical standards, provided that existing conditions were not worsened.

54. **Ms. Antunes** (Portugal) said that the new Government was proposing the repeal of the legislation under which building renovation works were exempt from accessibility standards. It was not true that children with disabilities continued to be institutionalized in Portugal; they were integrated in mainstream education and attended well-equipped "reference" schools. Children living in the interior of the country did have to travel long distances to the nearest reference school, but the Ministry of Education provided transport and took care of all the logistics. The concerns expressed about segregation in mainstream schools were perhaps related to the units created for children with multiple disabilities and

autism spectrum disorders. Those units were only for the most serious cases, and there were many examples of children with such disabilities being fully integrated in regular classes. All children still had to spend at least 60 per cent of their time in regular classrooms. The 2016 budget provided for an increase in funding for organizations of persons with disabilities and new benefits for carers of persons with disabilities. In addition, all ministries would now have to declare the funding they had allocated to address disability issues.

*Articles 11-20*

55. **Mr. Langvad** said that, while a good deal of legislation had been enacted, it was not clear to what extent it was actually being implemented. He would be interested to know whether forced sterilization was prohibited by law and, if so, whether the prohibition was enforced in practice. Was it true that persons living in institutions received more financial support than those in independent living schemes? The replies to the list of issues referred to a network of long-term care facilities. What sort of facilities were they, if not institutions?

56. **Mr. Ruskus** expressed concern about the slow progress made in the area of deinstitutionalization. Although several psychiatric hospitals had been closed, there had reportedly not been a corresponding increase in alternative community-based services. Did the Government have any plans to develop a policy, regulations and practical measures to promote independent living and inclusion in the community for persons with intellectual and psychosocial disabilities?

57. **Mr. Tatić** requested information on the resources available to persons with disabilities who wished to have personal assistants and on training programmes for individuals who wished to perform such functions. Noting that a number of other European Union countries had used excellent technical expertise to make historic buildings accessible to visitors with disabilities, he asked whether Portugal had engaged in any networking with other States on that subject.

58. **Ms. Degener** requested information about procedural accommodations for persons with disabilities, such as sign language interpretation in the justice system. How much of the public budget was spent on institutional care and how much on community-based, non-institutional care?

59. **Mr. Lovászy** invited the delegation to comment on the outcome of the pilot project mentioned in the report addressing the needs of the deaf community in Faro, for civil protection and relief services. Were there plans to follow up on that initiative?

60. **Ms. Kingston** said that she too would be interested to hear how that pilot project had been progressing in rolling out SMS messaging to alert deaf persons in situations of risk or humanitarian emergency, in line with the Sendai Framework for Disaster Risk Reduction. What steps were being taken to introduce supported decision-making and to abolish all forms of guardianship? What measures were planned to prohibit detention on the basis of impairment? When did the Government plan to ensure that free and informed consent to any treatment or surgery must be provided in all cases?

61. **Mr. Buntan** asked whether the State party had any policies in place to ensure that its disaster risk reduction activities were inclusive of persons with disabilities. He asked whether there were any initiatives to support persons with disabilities in joining the legal profession. Had Portugal ever used European structural funds to subsidize large institutions for persons with disabilities, and did it plan to use such funds to promote community-based services and independent living?

62. **Ms. Quan-Chang** asked what procedural accommodations were made in the justice system to ensure the participation of persons with disabilities who were still subject to

substituted decision-making. Were there any plans to amend the provisions of the Code of Criminal Procedure according to which persons with disabilities were exempt from criminal responsibility? Were there any mechanisms to monitor the situation of persons with disabilities in places of deprivation of liberty, and were there any plans to designate an independent authority to monitor facilities and services for persons with disabilities, as required under article 16 (3) of the Convention?

63. **Mr. Kim** Hyung Shik said that, regrettably, insufficient information had been provided in relation to article 19 of the Convention. A human rights-based approach to deinstitutionalization must focus on the quality of life of persons with disabilities. He wished to know what measures were in place to ensure that institutional practices were not reproduced in independent living settings.

64. **Mr. Pyaneandee** asked whether the Supreme Court or the Constitutional Court had made any kind of judicial pronouncement as to what constituted discrimination. He wished to know about training provided to members of the judiciary or the prison service on the Convention and the percentage of persons with disabilities employed in the judiciary or in the legal profession.

65. **Mr. You** Liang, noting that according to the report, the institutional care of persons with mental illness as a security measure was geared towards the patient's rehabilitation and family and social reintegration, asked what measures were taken to protect the human rights of persons with mental illnesses, whether their will or preferences were respected, and whether the institutions in question were visited or monitored by competent agencies. The report stated that a judicial authorization was required for organ and tissue donation by living adults with mental disabilities and for the sterilization of incapacitated adults. He asked whether any legal procedures were in place to ensure the protection of the human rights of those persons.

66. **Ms. Peláez Narváez** said that she would welcome information on how persons with disabilities were taken into consideration in the State party's legislation, policies and programmes on asylum, refugees and immigration, and how many persons with disabilities had been granted political asylum or refugee status. She asked whether there were any plans to bring the legislation and practice concerning internment in psychiatric facilities and forced treatment of persons with disabilities into line with the Convention. What plans did the new Government have to ensure that persons with disabilities were not subjected to termination of pregnancy, sterilization, scientific research, electroconvulsive therapy or psychosurgical interventions against their will? The delegation should provide details of the annual budget for personal assistant services for persons with disabilities and information on the Government's plans to regulate the role of personal assistants.

67. **The Chair** asked what concrete measures had been taken to implement the 2013 recommendation by the Committee against Torture that solitary confinement should never be applied to persons with psychosocial disabilities. What security measures were imposed on persons with psychosocial disabilities who had committed crimes but were declared exempt from criminal responsibility? Were persons with disabilities whose rights had been violated obliged to refer their cases to the National Institute for Rehabilitation, or could they take them directly to the courts?

*The meeting rose at 6.05 p.m.*

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**Committee on the Rights of Persons with Disabilities**
**Fifteenth session**

**Summary record of the 235th meeting**
Held at the Palais Wilson, Geneva, on Wednesday, 30 March 2016, at 10 a.m.

*Chair*: Ms. Cisternas Reyes

## Contents

Consideration of reports submitted by States parties to the Convention under article 35 (*continued*)

*Initial report of Portugal* (continued)

This record is subject to correction.

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*The meeting was called to order at 10.05 a.m.*

**Consideration of reports submitted by States parties to the Convention under article 35** (*continued*)

*Initial report of Portugal* (continued) (CRPD/C/PRT/1; CRPD/C/PRT/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Portugal took places at the Committee table.*

*Articles 11-20*

2. **Ms. Antunes** (Portugal) said that the budget approved for 2017 included increased funding specifically for disability-related issues, which was a priority area for the Government. Special social assistance supplements were made available to families with children or dependent persons with disabilities. Those families also benefited from tax relief. Clearer budget guidelines had been drafted for government services spending the sums allocated to supporting persons with disabilities.

3. There had been a significant increase in the budget allocated to civil society organizations by the National Institute for Rehabilitation. Funding was allocated to cover the operational expenses of civil society organizations as well as to support community-based projects in a wide range of areas such as employability, sport and culture for all, research and education. The concept of independent living had only recently been put into practice in Portugal, and only two projects had been implemented. The first had been an individual project for a person with multiple sclerosis, had lasted for a period of five years and had been successful. The second had been initiated in 2015 by the Lisbon city council in conjunction with a number of civil society organizations. It aimed to support independent living among a larger number of persons with disabilities. A significant amount of European Union funding was available for independent living projects, and it was planned to continue to develop them in the future. The application system for funding needed to be harmonized, as the definition of independent living differed significantly from one civil society organization to another. In some cases, funding would be granted directly to the persons with disabilities, who would then recruit their own personal assistants. While that approach was appropriate for persons with certain disabilities, in other cases the civil society organizations would be required to play a more active role in the projects. The Government was finalizing draft legislation on the definition of independent living so as to facilitate implementation of such projects.

4. **Ms. Chamiça** (Portugal) said that in 2015 Portugal had adopted legislation on civil protection, and that it was specially tailored to meet the needs of disabled persons by providing a holistic response in the event of emergencies. The legislation thus complied with article 11 of the Convention. The pilot project on civil protection in the Algarve had been useful for the formulation of the new law. With regard to migrants, the Foreigners and Borders Service provided assistance to foreign citizens with disabilities to help them regularize their stay in the country. Over 1,100 persons with disabilities had benefited from the programme in 2014.

5. **Ms. Castello-Branco** (Portugal) said that in the Portuguese legal framework, legal capacity was viewed as the norm and legal incapacity as the exception to that norm. Legal capacity could only be restricted, either partially or fully, in accordance with the relevant legislation. When persons with disabilities were deemed unable to determine the legality of their actions, they were not held legally responsible for the commission of unlawful acts; they were instead subject to hospitalization or other appropriate security measures.

6. Legal protection was guaranteed to persons with disabilities by the State, as confirmed by numerous rulings from the Constitutional Court, which had upheld the principle of non-discrimination, and local courts had issued rulings against discrimination based on disability, for example in the insurance sector. In the Ministry of Justice, 2.5 per cent of all employees were persons with disabilities, over half of whom were women. Training on the rights of persons with disabilities was provided to members of the judiciary and prison staff.

7. When persons with disabilities were required to provide testimony in court, appropriate facilities were made available. For example, the Code of Criminal Procedure required that a sign language interpreter be made available if a deaf person gave testimony in a court hearing. If an interpreter was not available, the hearing was postponed. Sign language was also specifically protected by the Constitution in its article on education. Training materials on sign language were used by the Centre for Judicial Studies, which was the training school for members of the judiciary, and projects had also been carried out in the prison system to promote the use of sign language. Specific measures were provided for by laws, such as the law providing for the protection of witnesses, to ensure that criminal proceedings were adapted accordingly for persons with disabilities. There were no restrictions on legal capacity in Portugal. Deprivation of liberty was only permitted in accordance with the law and in particularly serious circumstances.

8. **Ms. Antunes** (Portugal) said that there were a number of practising lawyers in Portugal who were persons with disabilities, including some who were blind. While there was no legal impediment to the recruitment of persons with disabilities in the judiciary, to the best of her knowledge none had applied for such positions. The emergency telephone number, 118, was being adapted to provide a parallel sign language interpretation service. There were plans to introduce similar initiatives for all public services in the future.

9. **Ms. Redinha** (Portugal) said that detention facilities were monitored and inspected by independent bodies. The health authorities had the right to visit detention facilities, including those holding persons with disabilities, and were able to report violations of inmates' rights. The Office of the Ombudsman also functioned as the national human rights institution and carried out visits to a wide range of facilities, including shelters, prisons and psychiatric hospitals. Since Portugal's ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Office of the Ombudsman had also acted as the national preventive mechanism under that instrument and had carried out more frequent inspections, visiting over 70 different facilities since 2014.

10. **Mr. Madeira Serôdio** (Portugal) said that the Government had no knowledge of any reports of torture or inhuman treatment of persons with disabilities in prisons. Persons with disabilities were treated the same as other inmates and subject to the same regulations, including with regard to disciplinary measures. They were entitled to visit a doctor twice a week, and any disciplinary actions that were applied to persons with disabilities were subject to review within 72 hours.

11. **Ms. Antunes** (Portugal) said that the disciplinary measures in question were not imposed by the justice system but were applied by the prison authorities. The delegation had no information on the application of such measures to persons with disabilities.

12. **Ms. Ferreira** (Portugal) said that there were independent monitoring and inspection mechanisms in place for all facilities providing services to persons with disabilities so as to ensure compliance with the applicable legislation and procedures, as well as with the individual regulations of the specific institution in question, and to record any instances of abuse or mistreatment. If there was any suspicion of mistreatment, the matter was referred to the Public Prosecutor's Office.

13. **Mr. Teixeira** (Portugal) said that all educational establishments, both public and private, were inspected once every four years. Inclusive education was one of the areas assessed. The inspectors had received special training and in 2016 would focus on inclusive education during their inspections. Students and their parents or guardians were also able to lodge complaints with the inspection authorities at any time, which could result in disciplinary measures or on-site inquiries. Some 95 per cent of all State schools receiving funding to promote health carried out campaigns to prevent inter-peer violence among students, including violence against persons with disabilities.

14. **Ms.** Filipa **Pereira** (Portugal) said that the Criminal Code prescribed that informed consent could only be provided on a voluntary basis by individuals over 16 years of age. The performance of an abortion without the consent of the pregnant woman was punishable by imprisonment of 2 to 8 years. Voluntary sterilization, in accordance with the law on sexual education and family planning, was only permitted for persons over the age of 25, with their written consent. The age limit did not apply when sterilization was carried out for medical reasons. The Mental Health Law provided that patients had the right to refuse any medical intervention, except in the event of emergencies or compulsory admission to hospital when the life of the individual in question or that of a third party would otherwise be at risk. Compulsory admission was defined in the law as admission by judicial order of a person suffering from a serious psychiatric disorder and was only possible if it was proportional to the degree of danger posed by the situation in question. The same law also stated that mental health care was to be provided mainly at the local level, in order to avoid removal and to promote the rehabilitation and social inclusion of the patients. Compulsory outpatient services were always favoured, wherever possible, over hospital admission. In any case, judicial authorization was required.

15. **Ms. Redinha** (Portugal) underscored that the guiding principle for any surgical procedure involving a disabled person was free and informed consent. However, if a disabled person was deemed to be unable to understand the situation, a guardian or a parent could be appointed to take decisions involving complex procedures, for example sterilization or tissue or organ donation. The appointment of such a representative had to be approved by a multidisciplinary team of doctors, as well as by a judge.

16. **Ms. Chamiça** (Portugal) said that in 2014 over 32,000 applications for Portuguese nationality had been received. In 2014, nearly 400,000 foreign migrants had been registered, of whom 51 per cent had been women and 10 per cent had been children. The telephone helpline for assisting foreigners to register as migrants had received 247,000 calls in 2014. Some 214 refugees, none of whom had disabilities, had been resettled in 2014. Another 170 persons had also been resettled, some of whom had minor mobility disabilities.

17. **Ms. Ferreira** (Portugal), with regard to the use of European Union funding to support community-based living for disabled persons, indicated that the Social Security Institute provided seven types of services to persons with disabilities, five of which prioritized keeping those persons in their communities, while two provided for placement in institutional settings. Between 2012 and 2015, some 5,900 placements had been made, of which 67 per cent had been in the community and 33 per cent in residential facilities. Some 64 per cent of the available budget was used to fund community placements and 36 per cent for institutional placements.

18. **Ms. Palma** (Portugal) said that as part of the rural development programme co-financed by the European Agricultural Fund for Rural Development, the Government had implemented programmes to improve basic services for the rural population in such areas as inclusive childcare, home support, transportation, information technology, drop-in centres, tourism and leisure facilities and accessible watercraft. In addition, as part of the common agriculture policy, fruit and milk were provided free of charge to children, including disabled children, in all schools in the country.

19. **Ms. Antunes** (Portugal) said that one example of a special education measure was that examinations were adapted to the functional capacity of the child. The rural development programme provided for special measures for persons with disabilities living in rural settings. Municipal services included accessible and inclusive childcare. Persons with disabilities could lodge complaints regarding discrimination with the National Institute for Rehabilitation or could take their cases directly to court.

20. A number of measures had been adopted to promote the right of disabled persons to vote: disabled persons were consulted on the choice of accessible polling stations; funding was available for transportation to the polling station; the parliament was considering a bill to allow for Braille ballots; and the right to deny a person the right to vote on the grounds of legal incapacity was reserved only for judges.

21. The Secretariat of State for Inclusion of Persons with Disabilities and the National Institute for Rehabilitation allocated €350,000 per year to the weekly "With you" television programme. New safety programmes for the disabled were being developed, and disability-related protocols had been drawn up for the police. Awareness of disability issues was being promoted in the schools. There were competitions and prizes to encourage municipalities to adapt infrastructure, for example by ensuring the accessibility of public and private facilities, including beaches and shopping centres. Prizes were also awarded for physical and technological accessibility measures.

*Articles 21-33*

22. **Mr. Tatić** asked whether the Committee could be provided with the texts of the rulings in which the Constitutional Court had invoked the Convention. With regard to article 24, he requested information on the budget allocated to reasonable accommodation measures for the vast majority of children with disabilities who attended the regular school system, as compared to the overall budget for the school system. Turning to article 29, he asked whether election campaigns were accessible to persons with disabilities. For example, were televised debates provided with captioning and sign language interpretation? He would welcome further information on the system of awards handed out in recognition of accessibility measures taken at the municipal level and asked whether the State party networked with other European Union countries to share experiences relating to accessibility.

23. **Mr. Babu** enquired about the degree of accessibility of recreational, leisure and historic sites.

24. **Ms. Quan-Chang** asked how much funding the Santa Casa Misericórdia de Lisboa institution received from the national lottery, what proportion of that funding was allocated to services for persons with disabilities, whether organizations of persons with disabilities were involved in the work of the institution and to what extent the Government oversaw its programme delivery to ensure that the needs of persons with disabilities were met. She requested information on the effects of the economic crisis on efforts to help persons with disabilities. For example, was assistance provided for persons affected by closures of facilities, including psychiatric hospitals, who might have little support or even be homeless? Lastly, she asked what plans the State party had to establish an independent mechanism to implement the Convention and how it planned to involve organizations of persons with disabilities in the establishment and functioning of that mechanism.

25. **Ms. Pavey** welcomed the efforts by the Ministry of Agriculture to promote inclusive development projects and tourism as a tool for rural development. She asked for more information on those efforts, with a view to sharing Portugal's experience with the representatives of other States. How much funding was received from the European Union for such programmes? Was information about such projects shared with other Governments?

26. **Mr. Buntan** noted that according to the State party, legal representatives were provided for persons with disabilities in legal or medical situations where they were deemed incapable of representing themselves. A better solution would be to provide support for the individuals in question so that they might take their own decisions. Were sign language and Braille accepted for use in official transactions, including in court? Did sign language have the status of a national language? He welcomed that fact that nearly all children with disabilities attended regular schools. What measures were taken and what funding was available, in addition to the special education allowance, to make schools truly inclusive? He also requested information on how the special school system could be reformed to serve as resource centres on disability issues for regular schools. Lastly, the delegation should provide information on steps taken to reform domestic law, including copyright law, with a view to ratification of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled.

27. **Mr. Ruskus** noted that while 75 per cent of the general population was employed, the employment rate was just 50 per cent for persons with disabilities, and 43 per cent for women with disabilities. Furthermore, persons with disabilities tended to have stereotyped and low-income jobs and generally did not work in inclusive workplaces. He asked for information on measures to promote the employment of persons with disabilities in both the public and private sectors.

28. **Ms. Degener** recalled the obligation of the State party to develop statistics and collect data. The delegation had provided adequate information in the area of education. Did the State Party have any plans to improve the collection of comprehensive data, disaggregated by gender and age, with a view to facilitating the implementation of the Convention and the Sustainable Development Goals?

29. **Mr. Lovászy** requested information on the results of the Ombudsman's review of accessibility and on any further steps envisaged in that area. Specifically, were courtrooms accessible, and what types of accessibility measures had been implemented in the State party? Did participants in civil cases before the courts, for example relating to divorce questions or property matters, have access to sign language interpretation? Was funding available for that service? He requested more data on inclusive education measures for deaf and hard-of-hearing students and on bilingual education. How many students were in segregated and regular education institutions and how many students with disabilities attended university?

30. **Ms. Kingston** expressed concern about the State party's use of legal representatives for persons with disabilities who were deemed to have reduced legal capacity. The State party seemed to be conflating legal capacity and mental capacity. She recalled that the Committee's general comment No. 1 (2014) on article 12, addressing equal recognition before the law, emphasized that persons with disabilities enjoyed legal capacity on an equal basis with others. While it might be acceptable to appoint someone to assist a person with disabilities, the individual most suited to interpret the person's will and preference would most likely be someone close to him or her, not a judge or psychiatrist.

31. Had austerity measures had any negative effect on income supports available to persons with disabilities? She asked whether the 1995 survey on the situation of persons with disabilities would be updated. She expressed concern at the delegation's reference to measures to prevent disability. The Convention was aimed at meeting their needs, not at preventing their disabilities. She asked how committed the State party was to the inclusion of persons with disabilities in its efforts to implement the 2030 Agenda for Sustainable Development. Lastly, noting that one of the members of the independent mechanism on disability issues was a member of parliament, she enquired what role that person would play, bearing in mind that the mechanism was supposed to be independent.

32. **Mr. Basharu** requested information on measures to train health-care workers to better meet the needs of persons with disabilities, for example by teaching them sign language. How much political and voting information was accessible to the blind and deaf? What measures were implemented to enable them to exercise their right to vote at polling stations?

33. **Mr. Kim** Hyung Shik asked what financial and technical support had been provided in order to strengthen vocational training for persons with disabilities, how the impact of that support was measured and what had been done to guarantee equal employment opportunities. He asked the delegation to provide examples of multiple discrimination in the field of employment, in particular with regard to women with disabilities. The information provided on employment did not cover the issues of fair pay, entitlement to the minimum wage, relations with other workers, discrimination against women workers with disabilities and respect for the principle of reasonable accommodation. He asked whether steps had been taken to harmonize the terminology used in the fields of education, employment, health, vocational training, transport, and sports and leisure. To what extent had the national authorities used the 2001 census data to guide the development of policies for the implementation of the Convention?

34. **Mr. Langvad** said that the disabilities of prisoners should be taken into account when disciplinary sanctions were imposed on them. He would welcome information on any increases in the financial benefits provided to cover extra expenditures arising from disability and on any steps taken to extend such coverage. Why did the authorities have the power to deprive persons with disabilities of their right to vote? It would be useful to have further information on the scope of competence of both the Office of the Ombudsman and the independent mechanism for monitoring the implementation of the Convention.

35. **Mr. You** Liang asked for additional information on the Paralympic Winter Games movement in Portugal. He asked whether the State party had put in place a national plan for the implementation of the 2030 Agenda for Sustainable Development, in particular with regard to the disability issues addressed therein, and whether a specific body was responsible for addressing those issues.

36. **Mr. Pyaneandee** asked how the State party intended to reform and strengthen its independent monitoring mechanism, celebrate the tenth anniversary of the Convention and pay tribute to the work of organizations of persons with disabilities.

37. **Mr. Al-Tarawneh** asked whether refugees were included among the 1,100 foreigners with disabilities who had benefited from assistance provided by the Foreigners and Borders Service, to what extent migrants and foreign nationals were covered by domestic health and education policies, whether there were special laws in place on the status of foreign nationals and refugees with disabilities and whether the Government distinguished between non-disabled refugees and refugees with disabilities.

38. **Ms. Peláez Narváez** (Country Rapporteur) asked when the State party intended to regulate the training of sign language and tactile fingerspelling interpreters and what role the national Braille commission played in that regard. She asked whether the Civil Code would be revised to enable all persons with disabilities to marry and take on parental responsibilities. The Committee would welcome information on how children with disabilities living in institutions were included in adoption programmes and on any problems encountered in their direct transition to family life. What measures had been taken to prevent bullying of children with disabilities in mainstream schools? She asked whether steps would be taken to enable blind persons to access physiotherapy training. The delegation should describe measures taken to speed up the process of providing technical assistance to persons with disabilities, to support them in their decision-making and exercise of informed consent and to ensure access to employment for deaf and blind

persons and persons with autism. Did the Government intend to allow persons living in institutions to exercise their right to vote? She asked how many hours of the 2016 Summer Olympic and Paralympic Games would be televised and how the State party directly supported persons with disabilities and their organizations in Portuguese-speaking African countries. It would also be of interest to know whether the National Institute for Rehabilitation or the Secretariat of State for Inclusion of Persons with Disabilities had direct links with the Santa Casa da Misericórdia de Lisboa institution and to what extent it took into account the principles and mandate of the Convention in its work.

39. **The Chair** asked what percentage of persons with disabilities accessed rehabilitation services in Portugal.

*The meeting was suspended at 11.40 a.m. and resumed at 12 noon.*

40. **Ms. Antunes** (Portugal) said that the Santa Casa da Misericórdia de Lisboa institution was a private sector social solidarity agency that carried out a number of tasks formerly performed by the Lisbon-based Institute of Social Security and that benefited from lottery funds. The Ministry of Labour, Solidarity and Social Security managed the majority of the revenue generated by the lottery, channelling part of it towards projects for the social inclusion of persons with disabilities.

41. Regardless of their legal status, all refugees residing in Portugal enjoyed the same fundamental rights as Portuguese citizens. No distinction was made between non-disabled refugees and refugees with disabilities, and their children had full access to education and health-care services. There were guarantees in place to ensure equality for persons with disabilities in terms of the right to vote, and Braille ballots would shortly be introduced. Only those persons who had been declared legally incapable by the courts were barred from voting. Sign language interpreting was provided in the case of all televised and many untelevised electoral debates. During the recent presidential elections, political leaflets had been provided to voters in a number of formats, including Braille. Portuguese Sign Language had official status under the national Constitution. Braille enjoyed long-standing legal recognition, and efforts were ongoing to increase the production of reading material in that format through new legislation. Since 2003 there had been designated parking spaces reserved for persons with serious physical or motor disabilities, and plans were being made to extend that arrangement to cover persons with developmental disorders or organ impairments.

42. **Mr. Teixeira** (Portugal) said that, notwithstanding the difficulties faced in the adjustment process, the national education authorities had spent an extra €1.4 million on adaptation measures. The number of students with special needs had risen, but there had been no proportionate increase in funding. However, with the change of Government, a number of benefits that had previously been suspended had been reintroduced, thus strengthening inclusive education.

43. **Mr. Cunha** (Portugal) said that 98.7 per cent of children with special education needs had been integrated into mainstream schools. In total, €224 million had been invested in inclusive education, €16.8 million of which had been earmarked for the 1,000 or so children who did not attend mainstream public schools. Therefore, around 7 per cent of the inclusive education budget was set aside for special needs institutions, while the remaining 93 per cent was used for inclusive education. The first institutions for children with special education needs had been set up some 40 years previously by civil society organizations. In 2009, those organizations had signed an agreement with the Ministry of Education on the transfer of such children to mainstream schools. Since then, many of those institutions, which had acquired a great deal of expertise, had become resource centres. There were currently 90 centres providing inclusive education-related support to students, schools and families. The aim was to focus on the adaptation of the educational setting rather than the

rehabilitation of individuals. Materials had been produced setting out the roles of the various actors involved in the inclusive education process. The number of students learning Portuguese Sign Language had fallen to 488, owing to an increase in the number of persons opting for cochlear implants. In 2014, the number of students with severe, moderate or slight hearing impairment had stood at 1,436. Some 98 per cent of schools took specific health and protection measures to address the issue of violence, including bullying of students with disabilities. The Ministry of Education also conducted campaigns on that subject, and materials focusing on that issue were available in a variety of formats in school libraries nationwide.

44. **Ms.** Filipa **Pereira** (Portugal) said that, under the national mental health plan, the number of patients in psychiatric hospitals had been cut by 40 per cent, and only three such hospitals remained. Several mental health wards had been opened in general hospitals, along with community services for persons with severe intellectual disabilities and mental health-care units for minors. There were currently 41 mental health-care departments in general hospitals. Work was currently ongoing to put in place a national, integrated, continuous care network for persons with mental impairments.

45. **Ms. Costa** (Portugal) said that, in order to promote access for persons with disabilities to higher education, 2 per cent of the total places in every institution or course were reserved for students with motor or sensory impairments. The quota system was monitored by a body of experts appointed by the Government. Of the 156 eligible students who had applied for admission for the 2015/16 academic year, 120 had been awarded a place. The higher education system did not systematically collect data on the number of students with special needs who attended university. However, the statistics that were available indicated that their number was on the rise. The Ministry of Education was engaged in discussions with higher education establishments and other stakeholders to identify additional measures to further increase the number of students with disabilities who reached university.

46. **Mr. Conceição** (Portugal) said that vocational training institutions were eligible for extra funding to provide the services and assistive devices required for them to teach students with disabilities, including sign language instruction. Students who, owing to a disability, did not meet the usual requirements for a training course were given a customized programme, which was submitted to the National Employment and Vocational Training Institute for approval. A measure had recently been adopted allowing adults who acquired a disability to undergo retraining, and work had begun with some individuals who had experienced brain trauma. A number of measures had also been taken to provide persons with disabilities with equal access to employment, in particular by ensuring improved access to career counselling services, local job centres and vocational training institutes. Visually impaired persons and individuals with autism spectrum disorders received personalized job search assistance, which often involved dispelling the preconceived notions of employers about the capabilities of persons with disabilities. Workplace accommodations were ultimately the responsibility of the employer, although State funding was available to offset the cost. Improvement efforts notwithstanding, access to public services by persons with disabilities was not always easy. Such access depended on the awareness of the persons providing them with the service.

47. **Ms. Projeto** (Portugal) said that a series of social security benefits were available specifically for persons with disabilities, including a tuition grant and a caregiver allowance. The benefits were currently being revised with a view to possibly combining the various allowances into a single benefit.

48. **Mr. Pacheco** (Portugal) said that the support provided to persons with disabilities consisted of social benefits and disbursements under the pension system, neither of which had been negatively affected by austerity measures. In fact, the number of beneficiaries had

increased. While the measures in place predated the ratification of the Convention, efforts were being made to identify households with persons with disabilities and to ensure that they received the highest possible benefit for their particular situation. Certain social benefits had become subject to means testing since 2010. However, means testing did not apply to benefits for persons with disabilities.

49. **Mr. Madeira Serôdio** (Portugal) said that Portugal would be sending athletes to take part in seven disciplines at the 2016 Paralympics Games in Rio de Janeiro, and athletes would also take part in the 2017 Deaflympics. Participation in the winter Paralympic Games was being discussed.

50. **Mr. Conceição** (Portugal) added that, while Portugal was not renowned as a country of winter sports, State assistance was available for those who wished to practise one and the Sports for All programme encouraged participation in all types of sports.

51. **Mr. Cunha** (Portugal) said that there was a national school sports programme and that all schools offered physical education and other sports activities. Considerable efforts were being made to adapt sports activities to children with disabilities and to increase the number of teams that included special needs players. In the past two years, there had been a 20 per cent rise in the number of students with disabilities taking part in school sports.

52. **Mr. Teixeira** (Portugal) said that the national broadcaster would be providing coverage of the Paralympic Games on two domestic channels and one international channel. All coverage would include sign language interpretation.

53. **Mr. Madeira Serôdio** (Portugal) said that the 2011 census had been conducted using indicators developed by the Washington Group on Disability Statistics and that a working group of the national statistics office had defined disability indicators. The country would thus be able to present disaggregated data in the future.

54. **Ms. Ávila** (Portugal) said that planning for the implementation of the Sustainable Development Goals included a needs assessment, the analysis of existing policies and measures and the appointment of goal-specific focal points. That process had already begun, under the coordination of the Ministry of Foreign Affairs.

55. **Ms. Antunes** (Portugal) said that civil society organizations had the authority to prescribe assistive devices because they were often in the best position to accurately determine the needs of the persons concerned. However, it was the relevant government authorities that financed the devices. Efforts were under way to clear the backlog of requests for goods and equipment used by persons with disabilities by the end of 2016. Changes would be made to the prescription process so that daily-use products could be delivered more efficiently. Portugal had a long history of providing international assistance in the areas of rehabilitation and empowerment, with a large part of the aid given to Timor-Leste and Portuguese-speaking countries in Africa. For example, €1.4 million had been earmarked for building special facilities for persons with disabilities in Guinea-Bissau and Mozambique. It had not been possible to hold the first meeting of the mechanism for monitoring the implementation of the Convention prior to the dialogue with the Committee, owing to the protracted recruitment process. However, a team of 10 had been appointed, including 6 individuals named by civil society organizations.

56. She thanked the Committee for its help in the lead-up to the interactive dialogue and the country's international partners for their role in promoting the rights of persons with disabilities in Portugal.

57. **Ms. Peláez Narváez**, supported by **the Chair**, thanked the delegation for what had been a very positive and candid dialogue.

*The meeting rose at 1 p.m.*

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**Committee on the Rights of Persons with Disabilities**
**Fifteenth session**

**Summary record of the 236th meeting**
Held at the Palais Wilson, Geneva, on Wednesday, 30 March 2016, at 3 p.m.

*Chair*: Ms. Cisternas Reyes

## Contents

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

*Initial report of Thailand*

This record is subject to correction.

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*The meeting was called to order at 3 p.m.*

**Consideration of reports submitted by parties to the Convention under article 35** (*continued*)

*Initial report of Thailand* (CRPD/C/THA/1; CRPD/C/THA/Q/1 and Add.1; HRI/CORE/THA/2012)

1. *At the invitation of the Chair, the delegation of Thailand took places at the Committee table.*

2. **Mr. Inthusut** (Thailand), introducing his country's initial report, said that Thailand had recently hosted the Third Session of the Working Group on the Asian and Pacific Decade of Persons with Disabilities 2013-2022, whose aim was to follow up on the implementation of the Incheon Strategy and the "Make the rights real!" campaign for persons with disabilities in the region. As at February 2016, the total number of persons with disabilities in Thailand who had registered with the Department of Empowerment of Persons with Disabilities was 1.5 million, representing 2.4 per cent of the total population; of those, nearly 50 per cent were over the age of 60. More persons with disabilities were being encouraged to register so that they could receive appropriate support and assistance from the Government, the private sector and civil society.

3. The paradigm shift from a charity-based to a rights-based and inclusive model of disability had taken place when the Persons with Disabilities Empowerment Act of 2007 had replaced earlier legislation. The 2007 Act had, in turn, been amended in 2013 so as to introduce new key policies and infrastructures, such as community-based rehabilitation, disability service centres and anti-discrimination mechanisms.

4. The National Committee on Empowerment of Persons with Disabilities served as the main national mechanism for decision-making, policy formulation and advocacy of the rights of persons with disabilities. The Committee was chaired by the Prime Minister and was represented by 11 ministries, 7 national organizations for persons with disabilities and 6 disability experts.

5. It should be noted that the initial report had been prepared with due regard to the Constitution of the Kingdom of Thailand of 2007; however, Thailand was currently involved in a process to reform its Constitution. A revised draft constitution, incorporating inputs from all sectors of society, including organizations for persons with disabilities, had been circulated to the public, and a referendum on its adoption was scheduled for early August 2016.

6. Following the enactment of the Civil Registration Act, in February 2015 Thailand had withdrawn the interpretative declaration it had made in respect of article 18 of the Convention. Accession to the Optional Protocol to the Convention was expected to receive Cabinet approval in April 2016.

7. Persons with disabilities had been included in the Eleventh National Economic and Social Development Plan (2012-2016) and the Third National Human Rights Plan (2014-2018). The objective of the Fourth National Plan on Empowerment of Persons with Disabilities was to enable persons with disabilities in Thailand to live independently in society with full and equal enjoyment of their rights. Thai citizens with disabilities could register for disability identification cards, which enabled them to apply for numerous benefits such as monthly disability allowances, medical rehabilitation services, assistive devices, free standard public transport, free compulsory education with financial support and interest-free loans for tertiary education. Registered persons with disabilities could also request services such as housing modifications, personal assistants and sign language

interpreters, which were provided through partnerships between government agencies, the private sector and civil society.

8. One major problem faced by Thailand was the fact that most persons with disabilities lived in outlying provinces and remote areas, which complicated the Government's efforts to ensure their full access to available services. In response to that problem, provincial subcommittees on the empowerment of persons with disabilities had been established in 77 provinces. The subcommittees drafted their own plans and projects, which were eligible for central government funding.

9. Thailand also faced significant challenges in achieving inclusive education, owing in part to insufficient early intervention, inadequate human and material resources and a shortage of assistive equipment in schools. Some 46 per cent of registered persons with disabilities received only elementary education and 43 per cent received no education at all. Not surprisingly, 46 per cent of registered persons with disabilities of working age were currently unemployed. The Government had introduced a quota system in 2008 that required private sector companies to employ one person with disability for every 100 persons they hired, and a similar system had been introduced in the public sector. Fines on non-compliant companies were paid to the Fund for the Empowerment of Persons with Disabilities. The Fund provided interest-free loans to entrepreneurs with disabilities and support to organizations of persons with disabilities, capacity-building activities and research on assistive devices.

10. Given that 45 per cent of disabilities in Thailand were due to preventable causes, the Government was focusing on preventive measures, such as early detection and treatment of disability, increased knowledge of essential nutrition and the organization of a road safety campaign. Thailand had recently ratified the International Labour Organization (ILO) Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), which was a key instrument for prevention efforts.

11. **Ms. Boonrat** (National Human Rights Commission of Thailand) said that, in its capacity as the independent monitoring mechanism of Thailand, the National Human Rights Commission had submitted an alternative report on the State party's implementation of the Convention. Her comments would therefore be limited to a few of the most critical issues for promoting the dignity and inclusion in society of persons with disabilities in Thailand.

12. One of the main areas of difficulty for persons with disabilities was education. Although relevant laws guaranteed them the right to a free education and to choose an educational system, model or institution that suited their special needs, interests and abilities, in practice persons with disabilities had few choices because schools were generally not well equipped to fulfil that guarantee.

13. In the area of medical rehabilitation, the services provided by public hospitals, and by some provincial hospitals in particular, were inadequate. Services for persons with mental and other non-motor impairments were generally lacking.

14. Efforts to prepare persons with disabilities for the labour market were inadequate and measures taken under the Persons with Disabilities Empowerment Act of 2007 had not substantially increased their employment rate. Problem areas included the need for business advice and access to credit for the many persons with disabilities who were entrepreneurs or self-employed; transportation to places of work, given the lack of accessible bus services and prohibitively expensive taxi fares; and the inadequacy of monthly disability allowances and financial assistance for families caring for a person with a disability. A more comprehensive support programme was therefore needed to prevent the abandonment of family members with disabilities or their placement in institutional care.

15. Persons with disabilities had expressed the desire to be more closely involved in the development of policies and programmes affecting them, in particular education, employment promotion and the management of the Fund for the Empowerment of Persons with Disabilities. There was a need for effective coordination among the many government agencies involved in implementing the Convention and monitoring the related activities. The Department of Empowerment of Persons with Disabilities, in its capacity as the Government's focal point for the Convention, should perform that role more rigorously.

16. In conclusion, the Government should consider allocating more resources to agencies responsible for education, medical rehabilitation, employment, accessibility and the provision of an adequate standard of living for persons with disabilities. It should see such allocations as an investment in the human resources of the country. The more inclusive the environment for persons with disabilities, the greater would be their sense of dignity and their contributions to the society in which they lived.

*Articles 1-10*

17. **Mr. Kim** Hyung Shik (Country Rapporteur) said that, although the State party's report reflected many positive legislative reforms, a key issue to be addressed was the need for better implementation and monitoring of those reforms. There was no question but that key reforms introduced by the Persons with Disabilities Empowerment Act of 2007, for example, required the support of a national action plan. Action was needed to address gaps in the implementation of laws on reasonable accommodation and critical areas of accessibility, such as public buildings, signage, and access to the Bangkok mass transit system. Better implementation was also needed for policies, programmes and affirmative action decisions, most notably those provided for in the Persons with Disabilities Empowerment Act that were designed to combat widespread discrimination against persons with disabilities.

18. The top-down approach to overall policy implementation was illustrated by the exclusion of women with disabilities from the National Committee on Empowerment of Persons with Disabilities and the limited role granted to organizations of persons with disabilities in establishing and running local disability service centres and in accessing and managing the Fund for the Empowerment of Persons with Disabilities. Other major problems to be addressed were the overreliance on the medical model of disability, the widespread practice of substitute decision-making, the sterilization of girls with intellectual disabilities as a standard practice and the limited educational opportunities and exploitation of persons with disabilities.

19. **Mr. Al-Tarawneh** asked what measures the State party was taking to remove architectural barriers in the built environment and social barriers that were reflected in people's attitudes, as well as to incorporate accessibility into public procurement systems, especially in the area of public transport. He wished to know whether a national accessibility plan had been developed; what human, financial and technical resources were allocated to it; and what level of implementation had been achieved since the ratification of the Convention.

20. **Mr. Ruskus** asked whether the State party intended to bring its definition of disability into line with the Convention and to tailor the support offered to persons with disabilities to their needs. It would be interesting to know whether there were any plans to involve persons with disabilities in the development and administration of support schemes. He also asked what measures were planned to ensure that reasonable accommodation was provided in the public sector, in particular for persons with intellectual or psychosocial disabilities in their dealings with the police and the courts.

21. **Ms. Degener** asked whether the Thai Government intended to include a focus on women and girls with disabilities in its policies and laws on gender issues. She also wondered whether it had any plans to cooperate with organizations of persons with disabilities to ensure that women and girls with disabilities were not overlooked by law- and policymakers.

22. **Mr. Tatić** said that he would appreciate information about the number and outcome of complaints of discrimination lodged by persons with disabilities with the wide range of agencies mentioned by the State party in its replies to the list of issues (CRPD/C/THA/Q/1/Add.1). Information on the human and financial resources of the Subcommittee on the Elimination of Unfair Discrimination against Persons with Disabilities, including its yearly budget, would also be welcome.

23. He wished to know how accessibility laws were enforced and whether there were any penalties for violations of those laws. In that connection, he requested an update on stalled efforts to implement a Supreme Administrative Court ruling to the effect that 20 of the Bangkok skytrain stations had to be made accessible to persons with disabilities. He asked what plans the Government had to ensure that its websites complied with the accessibility standards of the World Wide Web Consortium and, more generally, to implement the provisions of the Convention relating to the accessibility of information, communication and other services.

24. **Mr. Lovászy** said that he would appreciate information about the public funding of organizations of persons with disabilities in the State party. What principles were funding decisions based on, and how were funding priorities defined?

25. He would also welcome further information about the procedure for applying for assistive devices, the training of sign language interpreters, the support received by parents of deaf children and the steps taken by the State party to make captioning a more common media practice. The delegation should explain the procedure for obtaining a driving licence, in particular for the deaf.

26. **Ms. Quan-Chang** asked whether sufficient efforts were being made to ensure that people living in more remote areas were not left off the State party's register of persons with disabilities or deprived of documents attesting to their disabilities. She also asked whether the State party's anti-discrimination laws provided for action to combat the intersectional discrimination often faced by such groups as indigenous people or women with disabilities and what the Government was doing to support the families of children with disabilities. In view of what appeared to be the State party's medical approach to disability, she asked what was being done to foster respect for the rights and dignity of persons with disabilities.

27. **Mr. Langvad** said that he would welcome additional information on the State party's definition of persons with disabilities, who seemed to account for a remarkably small proportion of its population. He asked when the State party intended to double its support for organizations of persons with disabilities, what steps were being taken to amend the Persons with Disabilities Empowerment Act of 2007 to ensure that the denial of reasonable accommodation constituted an act of discrimination and, since the Constitution was being amended, what was being done to bring it into line with the Convention. He also wished to know what the authorities were doing to ensure that children with disabilities, especially intellectual disabilities, were not unjustly punished by parents who did not understand their children's disabilities.

28. **Ms. Peláez Narváez** asked what was the expected date of entry into force of the draft amendment to the Persons with Disabilities Empowerment Act, which established quotas for the number of women with disabilities on the National Committee on Empowerment of Persons with Disabilities and the respective disability-specific

subcommittees. She wondered whether there were any plans to expand the use of such quotas to bodies working on gender issues in general.

29. She wished to know what steps the State party was taking to ensure that its policies on adoption did not neglect the adoption of children with disabilities. She also wished to know what was being done to help women and children with disabilities seek justice when they were victims of abuse.

30. **Ms. Kingston** asked what steps were being taken to combat intersectional discrimination against the refugees living in camps along the border with Myanmar and to counter gender stereotyping in schoolbooks, the justice system and the mass media.

31. **Mr. Basharu** asked what specific steps the State party had taken to ensure that persons with disabilities living in rural areas had access to necessary services. He would welcome a brief account of how persons with disabilities were viewed in Thai society and how they were portrayed in the country's media. He would also appreciate information on the involvement of blind and deaf persons in awareness-raising activities.

32. **Mr. You** Liang said that he would welcome more detailed information on the accessibility of the Internet in Thailand. He asked what the State party was doing to harness the power of the Internet to promote the economic empowerment of persons with disabilities.

*The meeting was suspended at 4.15 p.m. and resumed at 4.40 p.m.*

33. **Mr. Charoen-Umnuaisuke** (Thailand) said that in Thai law persons with disabilities were understood to be persons whose daily activities or participation in society were limited by their impairment and who therefore required special assistance to lead their lives. Thailand was currently in the process of appointing the members of a subcommittee that would propose needed amendments to disability legislation, including a provision defining reasonable accommodation and specifying that denying it was a form of discrimination. For the past two years, there had been considerable discussion, which had involved organizations of persons with disabilities and other stakeholders, of the need to amend that legislation. In principle, the Government supported proposed amendments that were compatible with its obligations under the Convention.

34. The National Committee on Empowerment of Persons with Disabilities had a subcommittee which was authorized to receive complaints. Most complaints involved allegations of discriminatory practices by employers, in both the private and the public sector. Another subcommittee handled requests for legal aid.

35. Since 2012, the Subcommittee on the Elimination of Unfair Discrimination against Persons with Disabilities had received 28 complaints concerning discrimination in relation to legal contracts, employment in both the public and the private sector, education and domestic violence. Seven of the complainants had physical disabilities, nine had unidentified disabilities, nine had visual disabilities, two had hearing and communication disabilities and one had a behavioural disability. The Department of Empowerment of Persons with Disabilities had provided financial support, free legal aid and sign language interpreters in those cases. Persons with disabilities could also file complaints directly with the police, homes for persons with disabilities, hospitals, disability service centres and the National Human Rights Commission, among others. The Ministry of Social Development and Human Security's 1300 helpline took calls for urgent assistance or information from persons with disabilities. Only one complaint had been filed with the National Human Rights Commission: in 2011, a provincial land reform office had refused to issue a land title document to a person with a disability because it had interpreted its regulations to mean that farmers with disabilities were not eligible to utilize public reform land. The

National Human Rights Commission had concluded that it was a case of discrimination on the ground of disability and the office had amended its regulations.

36. Thailand recognized the importance of access to justice for persons with disabilities. Despite the lack of specific legislation, there had been cases in which the courts had established precedents to protect persons with disabilities from discrimination. For example, in 2012, the Constitutional Court had ruled that the regulations barring persons with disabilities from being judges and civil servants were unconstitutional and inconsistent with article 27, paragraph 1 (a), of the Convention, and the regulations had subsequently been amended. Several hundred sign language interpreters had registered and been trained to provide services to persons with disabilities nationwide. Real-time sign language interpretation services were also available to persons with hearing disabilities through the Thai Telecommunications Relay System, run by the national telecommunications authority and an international NGO. In 2015, 120 sign language interpretation booths had been installed nationwide, mostly in provincial hospitals, and there were plans to add 60 more in 2016.

37. **Dr. Suvapan** (Thailand) said that the definition of disability in the Persons with Disabilities Empowerment Act was in line with that of the World Health Organization's International Classification of Functioning, Disability and Health and the psychosocial model. The discrepancy in the estimated number of persons with disabilities between the World Health Organization and national statistics was due to the fact that many persons with disabilities, including persons with mental or intellectual disabilities, were unable to register their disability or had difficulties with the procedure. Many parents were also reluctant to register their child because of the stigma surrounding disability. There was a need to ensure that newly qualified doctors were properly trained on the definition of disability under the Persons with Disabilities Empowerment Act and the disability registration procedure. It was also necessary to ensure the availability of sufficient specialized personnel, such as audiologists, to register disabilities. The Government was aware of the need to focus more on the social model rather than the medical model in assessing disability.

38. **Mr. Muntarbhorn** (Thailand) said that the twentieth Thai Constitution was under preparation, but that the 2014 interim Constitution was in force in the meantime. The 2007 Constitution had introduced the principle of non-discrimination on the ground of disability. The draft of the new Constitution, which had been approved just the day before and would be put to a referendum in August 2016, included various provisions on disability: section 27 prohibited discrimination on 13 grounds, including disability, while section 71 referred to policies to respond to the special needs of persons with disabilities. Some NGOs had called for further references to persons with disabilities in the draft, and that possibility remained open. Section 15, paragraph 1, of the Persons with Disabilities Empowerment Act explicitly prohibited discrimination by government agencies, private individuals or others, and paragraph 2 defined discrimination as acts or omissions, whether intentional or not, that resulted in disadvantage or the loss of rights of persons with disabilities. It was true that paragraph 3 of section 15 provided for an exception to the principle of non-discrimination for reasons of custom or tradition or in the public interest, but only when necessary and on a case-by-case basis. That provision had been criticized by NGOs and the authorities were aware that it might need to be amended to reflect a more holistic concept of non-discrimination. Under the Act, cases of discrimination could be brought before the courts, which could award punitive or aggravated damages up to four times higher than the actual prejudice suffered. A bill to amend the Act was currently being drafted.

39. With regard to the Bangkok Transport System (BTS) case, in January 2015 the Supreme Administrative Court had ordered the Bangkok Metropolitan Administration and the BTS to install elevators and accessible facilities at all stations, amounting to 56

elevators at 19 stations for a total cost of US$ 6.6 million. The Department of Empowerment of Persons with Disabilities had cooperated with organizations of persons with disabilities and other stakeholders in following up the case. Construction work was under way but running behind schedule; all of the elevators were expected to be installed by September 2016. To compensate for the delay, the Bangkok Metropolitan Administration had extended the coverage of free taxi services for persons with disabilities for five additional years.

40. **Ms. Limmanee** (Thailand) said that the Government recognized the intersectional discrimination faced by women and girls with disabilities. The Gender Equality Act 2015 provided for the protection of all women, including women with disabilities, from gender-based discrimination. The Women's Development Plan 2012-2016 aimed to promote the rights of women, with a focus on education and job training, particularly for underprivileged women, women with disabilities and women from ethnic minorities. The first Strategic Plan for Empowerment of Women with Disabilities 2013-2016 aimed to ensure equal rights, eliminate discrimination, develop health and quality of life, enhance participation in many spheres of society and promote a positive attitude towards women and girls with disabilities. In 2015, the Fund for the Empowerment of Persons with Disabilities had provided support to 65 projects in 63 provinces and to 21 organizations of persons with disabilities carrying out projects for women with disabilities, including training on the reproductive rights of women with disabilities and the elimination of violence against women and girls with disabilities. The National Education Act guaranteed that all children, including girls with disabilities, had an equal right to receive 12 years of basic education free of charge, while the Education for Persons with Disabilities Act ensured equal access to education and vocational training for all persons with disabilities.

41. In the area of employment, women with disabilities benefited from the quota system — a 1:100 ratio — for the employment of persons with disabilities and had access to interest-free loans for entrepreneurs with disabilities. The Department of Empowerment of Persons with Disabilities jointly organized workshops with other agencies to raise awareness of the issues of violence and abuse against women and girls with disabilities. There were currently no female members of the National Committee on Empowerment of Persons with Disabilities, although there were some at the subcommittee level. One of the proposed amendments to the Persons with Disabilities Empowerment Act was the introduction of a quota for women with disabilities on the Committee. Women with disabilities were represented in the working group on the amendment of the Act. There were no women with disabilities in parliament, but a support system was in place to encourage women with disabilities to participate more actively in political life. A national plan for empowerment of women with disabilities was currently being drafted, and women with disabilities were involved at all stages, both individually and through their representative organizations.

42. **Ms. Rachatanantikul** (Thailand) said that the annual budget for persons with disabilities, allocated to 17 agencies, was approximately US$ 27 million, which represented about 1 per cent of the total national budget, although the Government planned to increase it gradually. For example, in 2015, the disability allowance had been increased from US$ 14 to more than US$ 20 per month. Of the overall budget set aside for improving social welfare, over 50 per cent was allocated for persons with disabilities and older persons; older persons with disabilities received both allowances. Budgetary provision was also made for improving infrastructure and public services for persons with disabilities, such as the modification of homes to improve access and the provision of sign language interpretation and personal assistants. The Government was setting up an institute of technology with the aim of fostering innovation to improve the well-being of persons with disabilities.

43. A total of US$ 265 million had been allocated under the 2015 budget for the employment of persons with physical and mental disabilities. In the fiscal year 2015 the Fund for the Empowerment of Persons with Disabilities had approved loans totalling US$ 14 million, of which 49 per cent had been allocated to persons with disabilities in a variety of sectors, including agriculture and services. In addition, US$ 11 million had been allocated to 500 projects proposed by 371 private agencies and organizations of persons with disabilities. Persons with disabilities in remote areas also benefited from the Fund through provincial subcommittees.

44. The National Committee on Empowerment of Persons with Disabilities was testing diverse fund management models. The first was designed to enhance the efficiency of persons with disabilities through educational, social and health-care support and empowerment. The second model was based on support services for independent living. The third focused on empowerment through disability service centres and networks. The fourth served as a database on persons with disabilities at the national and local level. The fifth model was a monitoring and evaluation mechanism.

45. The National Committee was chaired by the Prime Minister and composed of representatives of 11 government agencies and 7 organizations of persons with disabilities. Its members also included six disability experts who were nominated by the Ministry of Social Development and Human Security and appointed by the Prime Minister. The Committee met at least three times a year.

46. Thailand was a party to the Convention on the Rights of the Child and all three of its Optional Protocols. The National Child and Youth Development Plan (2012-2016) identified measures to protect children with disabilities.

47. **Ms. Boonsombat** (Thailand) said that her country implemented many programmes aimed at promoting positive public attitudes to persons with disabilities. A workshop on disability and equality training was held each year for government officials, stakeholders and the general public to promote understanding and eliminate stereotypes and stigmatization.

48. Persons with disabilities were invited to participate in television programmes to demonstrate their achievements and advances in independent living. The Ministry of Information and Communication Technology had issued regulations in 2011 setting forth criteria and procedures for ensuring access to telecommunication and media services and assistive technologies for persons with disabilities. The National Broadcasting and Telecommunications Commission had recently issued an announcement on the right of persons with disabilities to access information and to benefit from television programmes. Television channels would be required to provide sign language, closed captioning and audio description services. The Ministry had urged government agencies to develop accessible websites and had produced the Thai Web Content Accessibility Guidelines. The Ministry of Information and Communication Technology had also established ICT learning centres for people who found it difficult to access information.

49. Several laws and regulations, such as the Persons with Disabilities Empowerment Act, promoted accessibility to public buildings for persons with disabilities. Ministerial guidelines on accessibility services had also been issued in 2012 and 2013. All government agencies were required to provide an accessible environment. According to the Department of Empowerment of Persons with Disabilities, there were currently about 8,500 accessible toilets, 9,400 accessible ramps, 6,700 accessible parking spaces and 9,000 accessible information services in such agencies.

50. The Ministry of Transport and Communications was renovating public areas with a view to providing an accessible environment in line with universal design standards. The

first phase involving areas such as bus stations, bus stops, railway stations and airports was due to be completed in August 2016.

51. The Ministry of Education had allocated a budget of about 6 million baht for the production of accessible learning materials for students with disabilities with a view to supporting their inclusion in mainstream education. In addition, more than 600 teachers and students had been trained by the National Electronics and Computer Technology Centre in 2015.

*Articles 11-20*

52. **Ms. Quan-Chang** said that the Committee had been informed of specific cases in which women with disabilities who had been subjected to violence, in many cases of a sexual nature, had been denied access to legal support because of various physical, informational and financial barriers. She asked whether the State party had developed strategies to provide protection against violence for persons with disabilities, particularly women, children, persons living in remote areas, and persons belonging to different ethnic groups.

53. She enquired about action to regulate the legal status of persons living in refugee camps, most of whom were from Myanmar. She wished to know, in particular, whether persons with disabilities were issued a disability card guaranteeing access to basic services.

54. **Mr. Tatić** said that he would welcome additional information on the accessibility of judicial buildings such as courts and on access to information, for instance through Braille versions of documents, during legal proceedings. He also enquired about sign language interpretation in administrative, civil and criminal proceedings.

55. He asked whether persons with disabilities received financial support for the purpose of hiring a personal assistant and whether there was a specific curriculum for people who were trained to serve as personal assistants.

56. **Mr. Langvad** asked whether organizations of persons with disabilities were actively involved in the development of disaster risk reduction policies.

57. **Ms. Peláez Narváez**, noting that the Committee on the Rights of the Child had expressed concern about sexual exploitation and trafficking of children (CRC/C/THA/CO/3-4), asked whether the impact of such situations on the children concerned was a potential cause of disability.

58. **Ms. Kingston** asked whether measures were being taken to include persons with disabilities, particularly deaf people, in national emergency protocols.

59. She requested additional information on the number of women and girls, especially those with intellectual or psychosocial disabilities, who were subjected to trafficking and about the preventive measures taken by the State party.

60. She enquired about the number of women who were subjected to forced sterilization and asked whether sterilized women could seek compensation.

61. **Mr. You** Liang noted that institutionalized care for children with disabilities, including special schools and boarding schools, still existed in the State party. He asked whether there was any time frame for shifting to an inclusive community-based or family-based model and inclusive education.

62. **Ms. Degener** asked whether steps had been taken to review laws, for instance on guardianship or mental health, that violated article 12 of the Convention and the Committee's general comment No. 1.

63. She also wished to know whether action had been taken against laws and practices of involuntary institutionalization on grounds of impairment.

64. **Mr. Basharu** noted that persons with disabilities were entitled under section 152 of the Constitution to representation by a disability expert in the formulation of any laws that would affect them. He asked how such disability experts were defined and whether persons with disabilities and their representative organizations were deemed to lack the capacity to formulate laws themselves. Section 20 of the Persons with Disabilities Empowerment Act, which encouraged the participation of persons with disabilities in an inclusive society, seemed to contradict section 152 of the Constitution.

65. **Mr. Lovászy** said that he wished to be informed about the funding of disaster management and about warning tools and devices that were tailored to the needs of persons with disabilities. He asked whether such support was also provided to private companies.

66. He enquired whether persons with disabilities, particularly deaf persons, had access to free or supported legal aid with a view to filing lawsuits in cases where the rights enshrined in the Convention had been violated.

67. **Mr. Pyaneandee** said that section 15 of the Persons with Disabilities Empowerment Act breached the State party's general obligations under the Convention, including article 4 (5). He asked whether there were any plans to repeal the section.

68. With regard to access to justice, he noted with concern that only 28 complaints had been received to date.

69. **Mr. Kim** Hyung Shik asked how the State party proposed to address the complex documentation problems associated with the issue of disability cards. In particular, what steps were being taken to protect the rights of undocumented citizens with disabilities?

70. **The Chair** said that information should be provided about the security measures applicable to a person with an intellectual or psychosocial disability who was suspected of having committed a criminal offence and declared unfit to stand trial.

71. She enquired about the procedures for implementing the recommendations made by the National Human Rights Commission of Thailand.

*The meeting rose at 6 p.m.*

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**Committee on the Rights of Persons with Disabilities**
**Fifteenth session**

**Summary record of the 237th meeting**
Held at the Palais Wilson, Geneva, on Thursday, 31 March 2016, at 10 a.m.

*Chair*: Ms. Cisternas Reyes

## Contents

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

*Initial report of Thailand* (continued)

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*The meeting was called to order at 10 a.m.*

**Consideration of reports submitted by parties to the Convention under article 35** (*continued*)

*Initial report of Thailand* (continued) (CRPD/C/THA/1; CRPD/C/THA/Q/1 and Add.1; HRI/CORE/THA/2012)

1. *At the invitation of the Chair, the delegation of Thailand took places at the Committee table.*

*Articles 11-20*

2. **Mr. Charoen-Umnuaisuke** (Thailand) said that although the Subcommittee on the Elimination of Unfair Discrimination against Persons with Disabilities had received only 28 complaints, other channels were available to disabled persons to assert their rights. They could for example call a hotline, which had received approximately 3,000 calls in 2015, to seek help on issues relating to identity and disability cards, registration as persons with disabilities, disability allowances and other forms of financial support, domestic violence, etc. Problems could be settled through a reconciliation process or through the courts if necessary. Examples of precedent-setting court decisions had been provided to the Committee the previous day.

3. The Persons with Disabilities Empowerment Act of 2007 would be amended to reflect the provisions of the Convention. With regard to disability identity cards, he said that the Government was aware of the problems faced by undocumented migrants with disabilities in accessing health care and was considering the issuance of another type of disability identity card to non-citizens that would allow them access to the benefits available to citizens, although coverage might be only partial in the early stages at least. Disabled persons living in remote areas had access to disability service centres run by organizations of persons with disabilities as well as the government Disability Services Centres. The Ministry of Social Development and Human Security and the Ministry of Public Health also ensured the provision of health care and information, including on their rights, to persons with disabilities and their families in rural areas, and offered additional support services, for example facilities for the repair of assistive devices and mobile health services.

4. Trafficking of children was punishable under the Criminal Code by up to 3 years' imprisonment and/or a fine of US$ 400. The Child Protection Act of 2003 prohibited parents or caregivers from abandoning children with disabilities. The Government provided support to parents of children with disabilities and worked to increase parental and community awareness of the needs of such children. Parental networks and associations, for example the Association of Parents for Thai Persons with Autism, offered a forum for the exchange of experiences, support and rehabilitation. In the current year the Ministry of Social Development and Human Security had allocated US$ 333,000 from the Fund for the Empowerment of Persons with Disabilities to support organizations of persons with disabilities and parent networks. There had been 271 cases of human trafficking in 2013, 236 of which had involved children; he had no information on whether any of those children had been children with disabilities.

5. The Criminal Code would be amended to reflect the provisions of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in particular with regard to the definition of child pornography and taking into account the role of new technologies, including the Internet. New police procedures would be developed to deal with new technologies and cooperation with other countries would be strengthened.

6. The National Human Rights Commission of Thailand, in addition to its dispute resolution and follow-up and advocacy roles, could make recommendations to the Government for new legislation and programmes. It played an important role in promoting the rights of persons with disabilities. In September 2015 it had undertaken consultations with organizations of persons with disabilities and other stakeholders with a view to identifying challenges regarding the implementation of the Persons with Disabilities Empowerment Act of 2007. It had recommended that the Government adopt measures to promote awareness of technologies to assist persons with disabilities in their daily life. As a result, the Ministry of Public Health currently offered accommodation and assistive technology support services, in cooperation with other departments, including the Social Security Office.

7. **Ms. Limmanee** (Thailand) said that the Fund for the Empowerment of Persons with Disabilities provided subsidies for disabled persons to hire assistants to help them live independently in their community. Lists of assistants and handbooks on personal assistance services were available. The Government was considering providing financial support to parents of disabled children, as recommended by the National Human Rights Commission; in the meantime they could request aid under the early childhood support and family and children in difficulty grants. The National Office for Empowerment of Persons with Disabilities provided financial assistance for the independent living centres run by organizations of persons with disabilities. Those centres helped disabled persons integrate into their community; they offered peer counselling and general support, including for those requiring the services of an assistant, and facilitated the transition to independent living. The Office provided support to the Disability Services Centres for training, for example sign language and orientation and mobility training, and skills for coping with other disabilities. The Office likewise undertook awareness-raising activities to increase public acceptance of persons with disabilities. There were currently some 600 civil society volunteers assisting disabled persons and helping eliminate discrimination.

8. **Ms. Pitipanyakul** (Thailand) said that planning for disaster risk management took into account the Sendai Framework for Disaster Risk Reduction 2015-2030. Groups of persons with disabilities were involved in planning for prevention and disaster response and the needs of particularly vulnerable groups, like persons with disabilities, the elderly and children had been prioritized for emergency support and health care. They would also have priority in case of evacuation. Guidelines on procedures for persons with disabilities and their families to follow in case of flooding were being prepared, as well as guidelines for the public on how to assist persons with disabilities in emergency situations.

9. **Ms. Siangyai** (Thailand) referring to access to justice, said that the Ministry of Justice had developed a new code on the accessibility of Ministry facilities. The Ministry had provided legal assistance in 431 cases, 239 of which had involved legal advice and 28 financial assistance for costs. Financial assistance had been provided to persons with disabilities on 163 occasions. Under the terms of the Justice Fund Act of 2015 financial assistance would be made widely available to the poor and vulnerable, including persons with disabilities. The Code of Criminal Procedure required that the needs of persons with disabilities be accommodated at all stages of legal proceedings, for example through the provision of sign language interpretation services. The same protections were available to children with disabilities in the juvenile and family courts.

10. Under Thai law legal capacity was determined on the basis of ability and not any specific physical or intellectual disability. Persons with disabilities were considered to have the same legal capacity as other citizens. In legal proceedings an individual could, however, be declared by a court to be legally incompetent on the ground of a mental or intellectual disability, but only following an assessment and recommendation by a team of psychiatric and medical specialists. In some cases a court could suspend a proceeding if an individual

was found to be legally incompetent, until such time as the individual's condition changed. In the case of an offender having a psychological or mental disability that would make it unsafe to release him into society, that individual could be committed to a hospital. Such an order was subject to judicial review and could be revoked at any time.

11. **Dr. Suvapan** (Thailand) said that, pursuant to the Mental Health Act of 2008 and the guidelines of the Medical Council of Thailand, a patient could only be sterilized if she gave her written consent after receiving an explanation of the procedure and its risks and consequences. In the case of a child, the parents could take a decision after being informed of the risks and consequences of the procedure as well as any alternatives.

12. She explained that in rural and low-income families children were often left alone while the parents were away working, leaving them at risk of sexual exploitation and unwanted pregnancies. That could lead the parents to opt for sterilization. A woman with a mental disorder could give her informed consent to undergo sterilization. Although in principle any sterilization must be approved by a team made up of a psychiatrist, a doctor, a nurse, a lawyer, a social worker and others, there were inconsistencies in the application of the law, especially in rural areas. More work should no doubt be done to raise awareness among doctors, parents and patients. One possible solution to the problem of sterilization in low-income families would be to increase awareness of the need to prevent sexual abuse and to provide financial assistance in the case of an unwanted pregnancy.

13. **Dr. Loharjun** (Thailand), referring to the issue of psychiatric admissions to hospitals, said that there was a need to ensure proper justification for such admissions; general practitioners must be better educated on mental health issues and more psychiatric nurses were needed. More must also be done to provide community-based care for the individuals concerned. Community psychiatric boards would be established throughout the country to take decisions on care for persons with psychosocial disabilities. A referral system for individuals with psychosocial disabilities was also being developed.

14. Rehabilitation centres for children with disabilities would be opened and more infrastructure would be made accessible. More educational opportunities, including vocational training, would be made available, with a view to increasing the social empowerment and security of persons with disabilities. A number of projects were under way to promote better health, prevention and rehabilitation for persons with disabilities. The Government's overall objective was to deinstitutionalize care and promote community-based living and social development by increasing the capacity of families and caregivers as well as the capacity of persons with disabilities to live in the community.

15. **Mr. Ratanasakorn** (Thailand) said that the corporal punishment of children was forbidden. Positive discipline was the preferred option. A teacher found to have used corporal punishment was subject to sanctions and/or criminal prosecution. Boarding schools for children with intellectual disabilities used a flexible approach: students could board or simply attend day classes. There were currently 20 such schools, an insufficient number given that 28.8 per cent of students had some form of intellectual disability. The curriculum was developed on the basis of consultation with parents, the community, local government and the private sector and highlighted practical skills. Programmes existed to facilitate students' transition from school to work. The fact that some 80 per cent of graduates found employment testified to the effectiveness of the preparation students received.

16. **Ms. Limmanee** (Thailand) said that women with disabilities were protected from domestic violence by a number of laws, including the Domestic Violence Victims Protection Act of 2007. Under the Act, offenders were liable to imprisonment and fines and could be ordered to pay compensation to their victims. The Government had set up a telephone hotline to enable persons with disabilities to file complaints of domestic violence

and access support. Ministry of Public Health volunteers carried out home visits to persons with disabilities, providing physical therapy and assistance and reporting any instances of domestic violence that came to light. Peer counselling and personal assistance training services were also available.

17. **Ms. Patarachoke** (Thailand) said that there were currently around 110,000 refugees from Myanmar living in nine camps along the Myanmar-Thailand border, some of whom had been living in Thailand for more than 30 years. A number of refugees from Myanmar had been resettled in third countries. There were currently no data available on the number of refugees with disabilities. Health-care services were provided for all inhabitants of the camps by the Government and organizations such as Médecins Sans Frontières and CARE International. Severely ill refugees were referred to local public hospitals. Government bodies and civil society organizations had provided specific assistance to refugees with disabilities, including artificial limbs and training on the production of artificial limbs and other assistive devices. The Ministries of Foreign Affairs and the Interior had facilitated visits to the camps by representatives of United Nations agencies and foreign diplomats. The national authorities had been working with civil society bodies to prepare refugees for repatriation by means of occupational training.

*Articles 21-33*

18. **Mr. Langvad** asked what measures had been taken or planned to ensure that persons with disabilities could buy private health insurance and that persons with disabilities who found employment did not consequently lose access to disability-related support services. Information on any plans to introduce sanctions for public bodies failing to recruit persons with disabilities and to ensure that such persons received appropriate occupational training would be welcome. He asked what steps had been taken to ensure that data were collected and systematically disaggregated, taking into account criteria such as violence, political participation, health, education, employment, refugee status, disability and indigenous affiliation. Was the State party taking into consideration the Sustainable Development Goals (SDGs) within the context of national statistics on persons with disabilities?

19. **Mr. Ruskus**, noting the large number of institutions for persons with disabilities operating in Thailand, asked what measures had been taken to support families of persons with disabilities and persons with disabilities living alone affected by poverty and neglect, how the State party intended to phase out institutions and promote independent living, support and community-based services and how the authorities planned to ensure that teachers and school administration staff were properly trained in inclusive education methods. Information on the percentage of the annual national budget allocated to efforts to make the general education system more accessible and inclusive compared to the percentage set aside for special education schools would be welcome.

20. **Ms. Degener** said that she had received a statement issued by a number of Thai organizations of persons with disabilities, expressing strong disapproval at the disrespectful manner in which the head of the Thai delegation had invited a delegation member, a person with disabilities, to take the floor at the previous meeting.

21. Supported by **Ms. Peláez Narváez**, **Ms. Quan-Chang**, **Mr. Lovászy** and **Mr. Basharu**, she expressed her own irritation at that incident.

22. She endorsed the remark made by Mr. Ruskus about the need to improve the provision of inclusive education. She asked what measures the Government intended to take to help schools adapt learning materials to the needs of students with disabilities and to act on the recommendations made by the Subcommittee on Accreditation of the International Coordinating Committee of National Institutions for the Promotion and

Protection of Human Rights relating to the need to strengthen the National Human Rights Commission of Thailand in the light of its recent downgrading to B status.

23. **Mr. Tatić** said that the delegation should provide information on measures taken to ensure that election campaigns, televised political debates and public political meetings were accessible, including the provision of sign language interpretation, captioning and materials printed in Braille and easy-read formats, and on Thai cultural and tourist sites and related websites.

24. **Ms. Peláez Narváez** asked what the State party had done to protect children with disabilities from sexual exploitation and trafficking in persons, what the legal consequences of forced or court-ordered sterilization were, what effect that procedure had on the other rights of the victims of sterilization and how the State party ensured that persons with disabilities had access to services offering protection against HIV/AIDS and other sexually transmitted infections.

25. **Ms. Quan-Chang** said that she was concerned at the situation of children with disabilities subjected to sterilization and other forms of abuse by their families. She asked what criteria were applied when appointing experts with disabilities to the National Committee on Empowerment of Persons with Disabilities, whether organizations of persons with disabilities were consulted in that regard, why proposed reforms designed to bring national legislation into line with the Convention put forward by those organizations had been rejected and to what extent their opinions were taken into account when preparing public disability policies and measures.

26. **Mr. Lovászy** asked how the Thai Telecommunication Relay Service was funded, what plans had been drawn up to make it more widely available, what legal safeguards and procedures were in place to allow persons to access the service on an equal basis and how appeals and complaints could be lodged against the service provider. He asked how the Government ensured that teachers were qualified in inclusive education methods and/or sign language and how many such teachers had been employed to date. He asked whether a road map existed with figures and milestones, particularly in terms of inclusive education.

27. **Mr. Basharu** said that he had not received an answer to his question on section 152 of the Constitution and the representation of persons with disabilities by disability experts. He asked what the State party had done to discourage educational establishments from blocking the admission of students with disabilities and what sanctions had been put in place in that regard. Further information on assistance at voting stations for persons with disabilities, in particular blind persons and amputees, would be welcome.

28. **Ms. Kingston** said that she had not received a complete answer to her question on article 11 of the Convention. She asked how the national authorities ensured respect for privacy in psychiatric institutions. In relation to article 31, information on any measures taken to collect and disseminate data would be welcome. She asked whether such data were accessible for persons with disabilities and whether they participated fully in the process of data collection and research.

29. Referring to article 32, she asked what guarantees were in place to ensure that international cooperation was inclusive of and accessible to persons with disabilities, what programmes and projects had been launched that specifically targeted persons with disabilities, what percentage of the total international cooperation budget had been allocated to such programmes and projects, what action had been taken to facilitate and support capacity-building and to what extent the State party was committed to the inclusion of persons with disabilities in the implementation of the 2030 Agenda for Sustainable Development.

30. **Mr. You** Liang asked whether the national authorities collected data through surveys or face-to-face meetings with persons with disabilities and whether the State party actively participated in the ongoing efforts of the Asia-Pacific countries to ensure the economic empowerment of persons with disabilities.

31. **Mr. Kim** Hyung Shik (Country Rapporteur) asked whether the national disability allowance was universal and whether it was sufficient to cover living costs. He asked how many persons were entitled to that allowance and whether any studies on poverty among persons with disabilities had been carried out in the State party.

32. **The Chair** asked what percentage of persons with disabilities had access to comprehensive rehabilitation. Repeating an earlier question, she also asked through what channels recommendations issued by the Office of the National Human Rights Commission were conveyed to the Government for implementation. She pointed out that the Committee on Economic, Social and Cultural Rights had also made recommendations regarding the provision of free and inclusive education to all children in Thailand, including children with disabilities.

33. She wished to lay stress on a point that had been made many times before, namely that primary prevention of disability did not fall within the scope of the Convention.

34. **Mr. Inthusut** (Thailand) said that he wished to apologize for any misunderstanding that might have arisen from the manner in which he had introduced one of the delegation members at the previous meeting. He had not intended to disrespect her but, rather, to give her encouragement before she took the floor.

*The meeting was suspended at 11.20 a.m. and resumed at 11.40 a.m.*

35. **Mr. Muntarbhorn** (Thailand), replying to questions on the National Human Rights Commission, said that the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights had downgraded the Commission from A to B status because of concerns about interference in the commissioner selection process and the lack of involvement by civil society in that process. Although the Commission had originally been set up correctly, the rules governing it had since been amended, resulting in a smaller and less diverse selection committee. However, the draft twentieth Constitution contained provisions expressly requiring the involvement of civil society organizations in the selection process. There were plans to make the Commission more accessible to those living in rural and remote areas by establishing regional branches.

36. **Ms. Siangyai** (Thailand) said that the recommendations of the National Human Rights Commission were transmitted to the highest authorities, including the Prime Minister, the Cabinet and the constitutional drafting committee. The issue of the access of voters with disabilities had already been considered by the Election Commission, which had also voiced concerns about confidentiality. Nevertheless, the national legislature was discussing voting procedures, including the introduction of various accommodations for voters with disabilities, prior to the referendum to be held in August. Political debates and campaigns that were broadcast on State television benefited from sign language interpretation; however, it was the responsibility of the political parties to provide that service at political rallies.

37. **Ms. Limmanee** (Thailand) said that a number of laws dealt with the exploitation of children, including children with disabilities, and that the definition of exploitation under the Anti-Trafficking in Persons Act covered sexual exploitation, forced labour and slavery. In April 2015, the Prime Minister had placed the prevention of trafficking and the punishment of traffickers on the national agenda. In December of that year, the Criminal Code had been amended to criminalize child pornography, including the dissemination of child pornography via the Internet.

38. **Ms. Thongtip** (Thailand) said that persons with disabilities had the same labour rights as other workers. Quotas for persons with disabilities had been introduced in the public sector at a later stage than in the private sector, and there were no plans to impose on government agencies measures of the kind that applied to private companies, especially with regard to sanctions for non-compliance. However, a resolution adopted in October 2015 stipulated that government agencies would have to meet their quotas by 2018. Efforts to promote the employment of persons with disabilities in both sectors continued to be hindered by an insufficient number of candidates owing in part to their inadequate level of education and health conditions and the lack of access to public transportation. In response, the Ministry of Social Development and Human Security, the Ministry of Labour and the Ministry of Education were providing more job training and encouraging enrolment in vocational schools, including in rural and remote areas, in order to equip persons with disabilities with marketable skills. In addition, the National Committee on Empowerment of Persons with Disabilities had adopted the Manpower Plan 2017-2020 which provided for the placement of workers with disabilities in all of the National Committee's 77 provincial offices.

39. In an effort to showcase the potential of persons with disabilities and ensure they had an income and were included in society, the Ministry of Labour had declared 2016 as the year of the employment of persons with disabilities.

40. **Mr. Ratanasakorn** (Thailand) said that over the past decade the Government had made great strides in overcoming cultural and systemic barriers in order to give children with disabilities access to mainstream education. In 2015, students with disabilities had been enrolled in all levels of education. Problems remained, however, in particular with regard to the insufficient number of appropriately trained teachers. The Ministry of Education had established a standing commission on the promotion of education for persons with disabilities, of which the vice-chair was a representative of an organization of persons with disabilities. The Ministry had also launched a strategic education plan, resulting in a greater number of students with disabilities pursuing higher education. It had trained more than 28,000 teachers in the early identification of disabilities and was working with universities on the development of a compulsory course on inclusive education for teachers in training.

41. More than US$ 1 million had been allocated to special needs education in 2015, and the Ministry had approved several million US dollars in spending on educational support, accessible teaching tools and other aids in 2016. Currently, annual spending per student was higher for students with disabilities enrolled in special schools than for those in mainstream establishments, thereby hindering the expansion of inclusive education. Nevertheless, school administrators needed to be more creative when opening their establishments to students with disabilities rather than relying solely on the budgetary support of the Bureau of Special Education. Thailand would welcome any suggestions on how to overcome other structural barriers to the full implementation of inclusive education.

42. **Dr. Suvapan** (Thailand) said that, according to the National Health Security Office, 99 per cent of persons with disabilities were covered under one of the three State schemes; however, they were also free to take out additional private insurance.

43. **Dr. Loharjun** (Thailand) said that there had been no cases of court-ordered forced sterilization. With the input of other government agencies and civil society, the Ministry of Public Health ran various campaigns on sexually transmitted diseases and HIV which also targetcd persons with disabilities. Regarding privacy in psychiatric hospitals, she said that patients who posed a risk to themselves or others could be placed in less crowded wards. Community-based rehabilitation services brought together various stakeholders, were centred on the promotion of independent living and were being expanded to the entire country and to other spheres, such as education, employment and participation in society.

Between 2012 and 2014, more than 3,000 persons with psychosocial disabilities had joined a community-based rehabilitation programme.

44. **Ms. Boonsombat** (Thailand) said that a pilot project had been carried out to promote accessibility to cultural sites of interest to tourists. The project in question related to the tourism sector and aimed to improve accessibility within communities. The project was organized by the Department of Empowerment of Persons with Disabilities and the Ministry of Culture, in collaboration with other government ministries and local authorities. The Ministry of Culture also promoted access to information for persons with disabilities through the provision of sign language interpreters for television programmes.

45. **Ms. Rachatanantikul** (Thailand) said that the disability allowance of US$ 27 per day was intended to be an additional source of income for persons with disabilities, not a replacement for the minimum wage. It was planned to carry out a national disability survey in 2017 in collaboration with civil society, to include interviews with persons with disabilities. The questions asked would reflect the recommendations of the Washington Group on Disability Statistics. The data resulting from the survey would be disaggregated and accessible to persons with disabilities. The appointment of disability experts to the National Committee on Empowerment of Persons with Disabilities was at the discretion of the agency concerned.

46. **Ms. Pitipanyakul** (Thailand) said that the Government supported the involvement of persons with disabilities in a wide range of national, regional and international meetings. In 2016, 12 per cent of the total budget of the Department of Empowerment of Persons with Disabilities, amounting to US$ 700,000, was allocated to international cooperation efforts.

47. **Mr. Charoen-Umnuaisuke** (Thailand) said that it was planned to upgrade the Subcommittee on the Elimination of Unfair Discrimination against Persons with Disabilities to committee status. Section 15 (3) of the Persons with Disabilities Empowerment Act would also be deleted, while section 37 would be amended. The National Committee on Empowerment of Persons with Disabilities wished Thailand to become a party to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled and the relevant national legislation was in the process of being amended to prepare for accession to the Treaty.

48. All persons with disabilities who were not in employment had access to universal health coverage. Once they began to work they were required to make payments towards their health care. That situation was currently under review by the Department of Empowerment of Persons with Disabilities with the aim of ensuring that no rights or benefits would be lost by a person who entered the labour market, so as to encourage persons with disabilities to seek work where possible.

49. **Ms. Benjasil** (Thailand) said that development cooperation was one of the key areas of the Government's foreign policy. Thailand had provided technical assistance to and shared best practices with neighbouring countries on numerous occasions, and had also provided training in fields such as health care to medical professionals in the region. A memorandum of understanding had been signed with several neighbouring countries, including Cambodia and Viet Nam, on cooperation on disability-related issues. Thailand's development cooperation efforts aimed to support the public health system in neighbouring countries in general as well as to improve the care offered to landmine victims in those countries.

50. **Ms. Neelapaijit** (National Human Rights Commission of Thailand) said that the dialogue with the Committee had provided many lessons on how to put into practice the rights enshrined in the Convention, which would help the National Human Rights Commission to better monitor the way the Convention was implemented. The Commission

considered that the key challenges for the future were: the amendment of the Persons with Disabilities Empowerment Act; setting and subsequently monitoring a specific time frame for the promotion and protection of intersectional rights; the harmonization of legislation to ensure that it complied with the Convention; the increased participation of persons with disabilities in decision-making processes within the National Committee on Empowerment of Persons with Disabilities; and the elimination of stigmatization and discrimination against persons with disabilities, especially among the authorities responsible for mainstreaming social inclusiveness.

51. The National Human Rights Commission was prepared to work with the Government to implement the Committee's recommendations and to act to foster cooperation between the Government and persons with disabilities in Thailand.

52. **Mr. Inthusut** (Thailand) said that he appreciated the dialogue with the Committee and acknowledged that there were still challenges to overcome. The Government would focus on six issues in particular in the future, namely awareness building, enhancing all aspects of accessibility, integrating the work of all government agencies, addressing discrimination, working to achieve development goals and reforming laws and regulations to ensure that they complied with the spirit of the Convention.

53. **Mr. Kim** Hyung Shik (Country Rapporteur) said that the delegation was to be commended for having endeavoured to answer the questions posed by the Committee and for the undertakings it had given with regard to the implementation of the Convention. Nonetheless, a number of concerns remained about certain issues, namely the need for a greater number of persons with disabilities to participate in decision-making, the ratification of the Marrakesh Treaty, the reform of the disability identification card system, and the monitoring of the implementation of the Convention. It was also commendable that the State party had shown a willingness to revise legislation in certain areas, such as section 15 (3) of the Persons with Disabilities Empowerment Act. The State party should provide the Committee with any supplementary information in writing, if deemed necessary.

54. The head of delegation had offered a welcome apology regarding what must have been a misunderstanding at the previous meeting. It was important to understand the sensitivities of persons with disabilities and to promote the mutual understanding of differences, especially in the context of fostering the working relationship between the Government of Thailand and the Committee in the future.

55. **The Chairperson** thanked the delegation and the Committee members for the constructive dialogue.

*The meeting rose at 12.45 p.m.*

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**Committee on the Rights of Persons with Disabilities**
**Fifteenth session**

**Summary record of the 238th meeting**
Held at the Palais Wilson, Geneva, on Thursday, 31 March 2016, at 3 p.m.

*Chair*: Ms. Degener (Vice-Chair)

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Consideration of reports submitted by States parties under article 35 of the Convention (*continued*)

*Initial report of Chile*

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*In the absence of the Chair, Ms. Degener, Vice-Chair, took the Chair.*

*The meeting was called to order at 3 p.m.*

**Consideration of reports submitted by States parties under article 35 of the Convention** (*continued*)

*Initial report of Chile* (CRPD/C/CHL/1; CRPD/C/CHL/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Chile took places at the Committee table.*

2. **Ms. Berner Herrera** (Chile) said that since the restoration of democracy, Chile had taken comprehensive and systematic action to promote and protect the rights of persons with disabilities. That action had included the adoption of relevant legislation, the establishment of institutions whose role was to formulate public disability policy and the publication of the results of the first national disability survey (ENDISC I), taken in 2004. The most significant milestones along the way — and strong evidence of the country's commitment to bettering the lot of persons with disabilities — were its ratification of the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities, the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the latter Convention.

3. Thereafter, Chile had reviewed and evaluated its legislation and public policies and developed an institutional framework compatible with the view that persons with disabilities were subjects of rights. The Equal Opportunities and Social Inclusion of Persons with Disabilities Act for example had been adopted in 2010. It took a comprehensive view of disability, defining persons with disabilities as they were defined in article 1 of the Convention. The Act had also established the National Service for Persons with Disabilities (SENADIS), an institution that differed from its predecessor, the National Disability Fund (FONADIS), by focusing primarily on intersectoral coordination rather than on the mere distribution of resources. A number of other laws had also been adopted in recent years and helped strengthen public institutions active in the area of human rights.

4. In view of the challenges that had yet to be met, the Government had placed considerable emphasis on disability issues. Institutional progress had been made, and a number of specific steps had either been taken or were in preparation. In 2014, for example, the Presidential Advisory Commission for the Social Inclusion of Persons with Disabilities had been set up to study and propose a national action plan for the social inclusion of persons with disabilities. Its membership included a broad range of stakeholders, including organizations of persons with disabilities. In 2015, work had been done on a bill that would establish an office of the undersecretary for disability affairs, which would be given considerable policymaking and coordination powers. The bill would also give SENADIS additional authority to monitor compliance with the law. Those developments would increase the impact made by public policy for persons with disabilities and enhance intersectoral cooperation. In addition, under the bill, the office of the undersecretary would play a key role in monitoring the country's implementation of the relevant international instruments that it had ratified.

5. The second national disability survey (ENDISC II) had been taken in 2015 in large part to provide a basis for the National Action Plan for the Social Inclusion of Persons with Disabilities. The survey had taken a new approach to the characterization of persons with disabilities, and it had been developed in consultation with civil society. As a result, it had focused not only on the respondents' medical condition but also on their level of functioning. It had shown that persons with disabilities accounted for 20 per cent of the adult population, with slightly less than half living with severe disabilities. Women accounted for the larger share of persons with disabilities and for the persons who cared for

them, and the caregivers were almost always unpaid. Those findings were consistent with the Government's ongoing efforts to develop a national system to provide care for persons with disabilities and dependent older adults and to assist their support networks as part of the Intersectoral Social Protection System.

6. The survey had also shed light on the employment situation of persons with disabilities. The Government was the driving force behind programmes encouraging private sector employers and public agencies to make the inclusion of persons with disabilities one of their normal practices. A programme launched in 2015 was aimed at providing vocational training to more than 20,000 persons with disabilities.

7. The survey had shown that persons with disabilities had completed fewer years of schooling than non-disabled persons. The Government was therefore advocating a reform of the education sector. The Inclusive Education Act provided for the gradual removal of arbitrary requirements for admission to educational institutions receiving public funds and prohibited the expulsion of students for reasons related to their special educational needs. SENADIS had developed plans to help students with disabilities continue their education in institutions of higher learning.

8. Other developments relevant to the country's effort to implement the Convention included the recent signature of a bill creating the position of a children's rights defender, the 2012 launch of a programme to provide free legal aid to persons with disabilities and recent amendments made to the General Ordinance on Town Planning and Construction with a view to eliminating architectural barriers in public spaces and in buildings used by the public. The Ordinance also set forth the accessibility requirements for publicly funded housing intended for persons with disabilities.

9. **Mr. Garretón Merino** (National Human Rights Institute, Chile) said that the National Human Rights Institute, which had been established by law in 2009, had maintained the A status it had received from the International Coordinating Committee of National Human Rights Institutions in May 2013. The Institute's ties to civil society had a positive impact on its daily work. Four of the 11 members of the Institute's board were elected by civil society organizations, while all the members of its advisory board were representatives of civil society or academia. In addition, the Institute had a legal mandate to award a national human rights prize every two years. The most recent such prize had been given to María Soledad Cisternas Reyes, Chair of the Committee.

10. Serious difficulties had been encountered in producing statistical information on persons with disabilities. Much of the relevant information was out of date, and so was of limited usefulness for the design of public policy. The findings of the second national disability survey, which had been completed only recently, would help fill the void, as would the findings of the national social and economic survey, the 2015 edition of which had for the first time asked respondents to report whether they had been victims of discrimination and, if so, to identify the reason for it.

11. Not all the aims of the Equal Opportunities and Social Inclusion of Persons with Disabilities Act had been achieved, and as a result there were sometimes protests by groups of people who believed that they had been let down. In addition, legal views concerning persons with disabilities were still informed by the country's Civil Code, which had been adopted in 1855. The Institute was of the view that outdated provisions that denied persons with disabilities their rights should be considered by the courts to have been tacitly repealed by the incorporation into domestic law of international human rights instruments. Both the letter and the spirit of articles 12 (5) and 13 of the Convention should be respected.

12. In some circumstances, it was possible for persons to be committed to mental health institutions against their will and without a court order. The Institute had maintained that neurosurgery for mental disorders required a study of each case and the opinion of more

than one specialist. The wishes of the patients or their legal representatives should be respected.

13. There were still major obstacles to the full and effective participation and inclusion in society of persons with disabilities. The report submitted to the Committee by the Institute had focused on the social protection of older persons with disabilities, who accounted for a large share of the persons with disabilities in Chile.

14. Considerable progress had been made with regard to participation in political and public life. Ballots for blind voters did not always contain all necessary information, however, as they often listed candidates for office only by reference numbers rather than by name. Lastly, the Institute was prepared to monitor closely the proposals made by the Presidential Advisory Commission for the Social Inclusion of Persons with Disabilities mentioned by Ms. Berner Herrera, as the Commission's mandate included empowering persons with disabilities to exercise their fundamental rights without having to depend any longer on third parties.

15. **Ms. Quan-Chang** (Country Rapporteur) said that Chile had one of the highest positions on the human development index in Latin America and that the country's economic development had led to a considerable increase in the population's standard of living. Chile was thus well placed to make great improvements to the living conditions of persons with disabilities. That notwithstanding, the continued applicability of the country's nineteenth-century Civil Code presented a particular challenge, as the Code did not entirely recognize the legal capacity of persons with disabilities. The adoption of the Equal Opportunities and Social Inclusion of Persons with Disabilities Act in 2010 was commendable, but many of its implementing regulations had not yet been adopted, and others were highly restrictive.

16. The design of the long-awaited second national disability survey had not been based entirely on a rights-based approach. The usual result of such design flaws was that more emphasis was placed on evaluating the degree of the respondents' disabilities than on the barriers that they habitually faced. Another flaw had been that the large share of persons with disabilities who were institutionalized, homeless or in prison had not been surveyed. She therefore wished to know what the State party intended to do to ensure that the concerns of such persons were taken into consideration in the development of public policy on disability issues and, more generally, to gather the information that would not be provided by the survey.

17. She would welcome more information on the State party's plans to improve the accessibility of the Internet, printed material, all means of public transport, housing and public buildings. She was concerned that, despite the adoption of the Equal Opportunities and Social Inclusion of Persons with Disabilities Act, television was, by and large, not accessible, especially to persons with hearing impairments. Indeed, the Act provided numerous exceptions to the obligation to provide subtitles or sign language interpretation, resulting in the violation of the right of persons with disabilities to have access to information.

18. Despite the significant fundraising work it carried out, the annual Chilean telethon campaign tended to convey the message that disability was synonymous with physical disability and that the needs of persons with disabilities were limited to rehabilitation. The much appreciated funds raised by the campaign did not exempt the State party from its obligation to ensure that television programmes were respectful of the rights of persons with disabilities and did not infringe those rights.

19. With reference to specific cases of persons with disabilities who had been subjected to violence and abuse at the hands of the police, she asked what the status was of investigations into the cases of Robinson García and José Vergara, among others. What

steps had been taken to ensure that such abuse did not recur and that the physical and psychological integrity of persons with disabilities was protected in all situations? Had any protocols been developed for law enforcement, medical and paramedical personnel to instruct them in how to handle cases involving persons with disabilities who were experiencing psychiatric crises?

20. She wished to know whether the State planned to provide assistance to Valeria Riveros, a pregnant mother with a physical disability who was in grave financial difficulty owing to the inadequate level of support provided to her, in contravention of the Equal Opportunities and Social Inclusion of Persons with Disabilities Act. She was in danger of losing custody of her child after being declared unfit for motherhood on purely medical grounds. As a woman with a disability, she needed support in order to be able to enjoy her rights to maternity and to a family, with respect for her inherent dignity.

21. Laws such as the one setting out the rights and duties of users of health services and the decree prescribing the terms under which persons with disabilities could be subject to involuntary institutionalization without their prior and informed consent stood in violation of the Convention, as they allowed for the forced institutionalization of persons with psychosocial or intellectual disabilities. It was regrettable that many persons with disabilities were deprived of their liberty because there were no community support services that might otherwise provide them with the option of different living conditions.

*Articles 1-10*

22. **Mr. Ruskus** asked what measures the Government planned to take in order to eliminate pejorative terms in the provisions of national laws, such as article 1447 of the Civil Code, and to introduce rights-based terminology that was in line with the Convention.

23. **Mr. Babu** requested specific examples of how the affirmative action measures referred to in the report were applied in the areas of education and employment. The delegation should specify how many persons with disabilities had benefited from such measures in terms of recruitment for public or private sector jobs and how many had benefited from it for admission to university or other tertiary education institutions.

24. He had received information to the effect that the use of alternative publication formats, especially Braille, was not a frequent practice in Chile. That shortcoming would impede the right of people with visual impairments to have access to information on an equal basis with others. What plans did the Government have to rectify that situation?

25. **Mr. Tatić** requested additional examples of national court cases in which the Convention had been cited. With regard to the nationwide register of accessible buildings referred to in the report, he wished to know how many buildings were accessible and, for those that were not, including buildings from the colonial period, what steps were being taken to adapt them. The delegation should provide additional information on mechanisms to monitor the implementation of the Equal Opportunities and Inclusion of Persons with Disabilities Act, including sanctions applied in cases of non-compliance. He asked what support services were available for wheelchair users who arrived at the capital city's airport and needed to transfer to the city centre and what accommodations had been made in order to ensure the accessibility of hotels and public government buildings.

26. **Mr. Lovászy** asked whether the law in the State party restricted or eliminated the legal capacity of deaf persons based on their hearing impairment alone. He requested information on the laws and practice relating to the funding of non-governmental organizations (NGOs). Were they in line with the principles and priorities that had been established for determining the recipients and amounts of such funding? The delegation should provide information on accessibility laws or regulations and indicate whether Chilean Sign Language had been recognized as an official language and whether an official

version of the Convention existed in that language. What results had been obtained by the technical working groups on hearing impairments and mental disabilities? Had any recent improvements been made in providing access to assistive technologies and devices?

27. **Mr. Langvad** said that article 3 of the Convention, which related to self-determination and individual autonomy, encapsulated the essence of the Convention and should be borne in mind when the State party enacted legislation to give effect to it. He asked whether the Government provided support to organizations of persons with disabilities so that they could participate in consultations on the implementation of the Convention and in monitoring its implementation. In view of reports that there were gaps in the implementation of the Equal Opportunities and Inclusion of Persons with Disabilities Act in relation to education, accessibility and reasonable accommodation, he wished to know whether organizations of persons with disabilities were involved in monitoring the Act's implementation. The delegation should confirm whether the "necessary accommodation" referred to in the Act expressed the same concept as the reasonable accommodation defined in article 2 of the Convention. As to television programming, it was important to pay attention not only to its accessibility but also to its portrayal of persons with disabilities, especially in view of the enormous size of the potential audience.

28. **Ms. Peláez Narváez** asked what support was given to organizations of persons with disabilities. Was funding provided to cover their members' travel expenses to ensure their participation in policy consultations? To what extent were the opinions of their representatives taken into account? She wished to know what specific measures the State had implemented to ensure non-discrimination and equality for women and girls with disabilities in all areas of life. The delegation should describe how the principle of non-discrimination against children with disabilities would be addressed by the bill on the establishment of a system of guarantees for the rights of children and how the situation of children with disabilities was taken into account in the National Action Plan for the Social Inclusion of Persons with Disabilities.

29. Commending the important contributions made by the annual telethon campaign in Chile, she asked how the telethon's Teletón Foundation took into account the principles and mandates of the Convention; how organizations of persons with disabilities took part in its management; what policy was followed in order to ensure that the inherent dignity of persons with disabilities was taken into account in the television programmes aired during the telethon; and whether the Government intended to include audio description in its television broadcast policy. The delegation should provide an account of the annual budget of the telethon, including a description of funds that had been earmarked for the construction of an accessible theatre.

30. **Mr. Buntan** asked whether a formal structure had been established by law to empower persons with disabilities and their representative organizations to participate in the formulation, implementation and monitoring of legislation and policies affecting them and whether a permanent fund had been established to cover the costs arising from those activities. The delegation should provide statistics on how many complaints had been lodged as a result of disability-based discrimination; whether any determinations had been made in such cases; and whether any reparation or damages had been awarded to the victims. Had accessibility standards been established by law? If that was the case, were they in line with internationally recognized standards?

31. **Mr. Pyaneandee** said that in its opening statement the delegation had apparently referred to the prevention of disability. He pointed out that such a concept was inconsistent with the spirit and content of the Convention. Had the State party embarked on a review of legislative measures that violated the Convention, in consultation with organizations of persons with disabilities? He requested additional information and statistics on the number of complaints of rights violations that had been registered and asked whether complainants

could seek legal aid. He also enquired about the type of reasonable accommodation provided if the complaints were found to be valid.

32. **Mr. Basharu** enquired about the level of involvement of the media and organizations of persons with disabilities in the awareness-raising and outreach programme described in the report and the measures taken to ensure that the media portrayed persons with disabilities in a positive light. He commended the State party's comprehensive accessibility policy. However, it was regrettable that no information had been provided on measures taken to promote access for persons with disabilities, particularly blind persons, to information and communication technology.

33. **Mr. Parra Dussan** enquired about the reasoning that had led to the replacement of the National Disability Fund (FONADIS) with the National Service for Persons with Disabilities (SENADIS). The launching of the telethon some 40 years previously had certainly been a commendable development at the time. However, times had changed and it was now difficult to reconcile public policies in support of persons with disabilities with the charity-based approach of the Teletón Foundation.

34. **Ms. Kingston** enquired about legislation to combat intersectional and multiple discrimination, for example against indigenous women with disabilities, and about the remedies available to victims. She requested additional information on measures to combat gender and disability stereotyping, for example in school textbooks and the media. Were training courses on disability and sexual stereotypes organized for law enforcement officers and persons working in the justice sector?

35. **Mr. Kim** Hyung Shik commended the enactment of the Equal Opportunities and Social Inclusion of Persons with Disabilities Act. According to the report, however, the definition of disability contained in the Act had helped to "reshape the approach to prevention". He reminded the State party that prevention was not a concept endorsed by the Convention. He also noted that a medical definition of disability was used for the collection of statistics and data. The report indicated that under the Act, the State party had launched an extensive range of legal initiatives on behalf of children and women with disabilities, but no follow-up data had been provided. He asked whether organizations of persons with disabilities played a role in the monitoring process.

36. **Mr. Al-Tarawneh** enquired about provisions in the public procurement system to ensure that buses, trains, and bus and railway stations were fully accessible to people with disabilities. He also requested information about measures to improve the accessibility of other public areas and facilities and of historical heritage sites. Was there a national accessibility plan or strategy and, if so, were there sufficient human, technical and financial resources to ensure its implementation at all levels?

37. **Mr. You** Liang noted that, according to the report, a special arrangement had been established under the existing legislation to provide funding services and technical aids for children under 6 years of age. He enquired about the rehabilitation services provided for children in that age group. Emphasizing the importance of affordable high-quality assistive devices, he noted that the State party was empowered to introduce import duty exemptions to improve accessibility and asked to what degree that policy was implemented. For example, could persons with disabilities buy wheelchairs from other countries without paying duty?

*The meeting was suspended at 4.40 p.m. and resumed at 5 p.m.*

38. **Ms. Berner Herrera** (Chile) said that the term "prevention" had been used in the Act of 1994 introducing standards for the social inclusion of persons with disabilities, and that in 2010 that law had been replaced by the Equal Opportunities and Social Inclusion of Persons with Disabilities Act, which used terminology that was consistent with the

Convention. As stated in paragraph 1 of the replies to the list of issues, Chile had adopted legislation that incorporated language respectful of the dignity of persons with disabilities.

39. **Mr. Concha Gamboa** (Chile) said that the Government was aware that the terms used in some laws, particularly the Civil Code, were obsolete and discriminatory. The Act of 2010 adopted a rights-based approach, and there were plans to launch a rigorous academic review of the Civil Code in cooperation with civil society organizations to replace pejorative terms in the law. A study conducted in 2014 by the Chilean Library of Congress had identified outdated terminology in 61 articles of 12 laws. The amendment of those laws to ensure respect for human dignity and alignment with international human rights standards was not an easy task. The Presidential Advisory Commission for the Social Inclusion of Persons with Disabilities had established a subcommittee that was drafting a proposal for that purpose. A number of laws already incorporated language that was consistent with the Convention, including Act No. 19.882, which regulated civil service employment; Act No. 20.255 on pension reform; Act No. 20.535, which authorized parents of children with disabilities to take time off from work; Act No. 20.584 concerning rights and duties pertaining to health care; Act No. 20.609 concerning measures to combat discrimination; and Act No. 20.844 concerning the rights and responsibilities of persons attending and organizing professional football matches. Article 154 of the Labour Code and Act No. 19.886 on public procurement specifications also used language that was respectful of persons with disabilities.

40. **Ms. Berner Herrera** (Chile) said that the questionnaire used in the second national disability survey had been prepared in 2014 with the assistance of the general public. The survey had been conducted in mid-2015 under the auspices of the National Statistics Institute and the results pertaining to adults with disabilities had been published in January 2016. The data-collection process had complied with the principles enshrined in the Convention and with the guidelines established by the World Health Organization and the World Bank. Different metrics had been applied to children and adults. According to the results published in January 2016, 11.7 per cent of adults displayed mild or moderate disabilities and 8.3 per cent displayed severe disabilities. The results concerning children with disabilities would be published the following week.

41. The Equal Opportunities and Inclusion of Persons with Disabilities Act provided for the adoption of nine regulations. A regulation on the classification and certification of disability had been promulgated in 2013. A regulation on audiovisual communication aimed at facilitating access to television channels for hearing-impaired persons had been promulgated in 2012. A regulation concerning public transport signage and accessibility had been promulgated in 2011. Import duty exemptions existed for imports of vehicles, technical aids, rehabilitation equipment and other devices. Regulations concerning the National Disability Register and the Consultative Council on Disability had also been adopted. Lastly, a regulation that established standards for the construction of new buildings and a time frame for the adaptation of older buildings had been promulgated in March 2015.

42. Two regulations had not yet been issued. One concerned the preferential selection of persons with disabilities in the public sector on grounds of equal merit. It was being drafted by the Ministry of Finance, the Ministry of Social Development and the Office of the President and would shortly be submitted to the relevant authorities. A bill concerning the inclusion of persons with disabilities in both public and private-sector employment would also be submitted to the National Congress in the near future. The second pending regulation concerned the introduction of standards to protect visually impaired persons who used pharmaceuticals, medications, cosmetics and other similar products. A task force had been set up to draft the regulation.

43. The Associations and Citizen Participation in Public Administration Act required all ministries and public services to set up representative civil society councils to ensure that the views of civil society could be heard. The President had issued an order aimed at promoting compliance with the Act and its implementing regulations. The Ministry of Social Development had established a 15-member civil society council in January 2015. One of the members represented SENADIS.

44. **Ms. Berner Herrera** (Chile) said that civil society organizations could apply for project financing from a number of competitive funds. For example, previously approved organizations with a track record of working with persons with disabilities could apply for funding under the Social Donations Act. Given the regional disparities in Chile between the capital and the rest of the country, a great deal of importance was attached to ensuring that funds were accessible to organizations nationwide.

45. **Mr. Concha Gamboa** (Chile) said that during the development of the second national disability survey, attention had been paid to ensuring the participation of organizations of persons with disabilities. Public consultations had been held nationwide, and the results had served as the basis for drawing up a questionnaire covering such issues as inclusion in education and employment support measures. A draft action plan was now being prepared to respond fully to the needs of persons with disabilities. The national director and departmental heads of SENADIS met regularly with civil society when they travelled around the country. SENADIS had regional directors in the country's 15 regions, each of which also had a regional advisory board. In 2016, SENADIS would allocate funds to pay for travel and facilitate the participation in those boards of leaders of organizations of persons with disabilities across the country, particularly in the most remote areas. Prior to the dialogue with the Committee, the government delegation had held a meeting with the NGOs that had submitted shadow reports to the Committee. Their reports were a useful complement to the State party report.

46. **Ms. Neculhueque Zapata** (Chile) said that the Ministry of Health had been working with SENADIS on the regulation of labelling for persons with visual impairments of pharmaceutical products, foods for medical use and cosmetics. The applicability and impact of proposed amendments to two decrees on packaging and labelling were currently being evaluated, in line with the Ministry's guidelines on good regulatory practice. A working group on disability and human rights had also been set up under the Ministry of Health.

47. **Mr. Soffia Vega** (Chile) said that a technical round table on special education, in which experts, academics, international organizations and NGOs had participated, had produced a proposal for a system of inclusive education in Chile. The proposal was currently being reviewed by the Ministry of Education. In 2015, a series of consultations had been held in each of the country's provinces to hear from a range of stakeholders, including teachers, students and parents, on the main points to be taken into account in the new special education policy.

48. **Ms. Tapia Fuentes** (Chile) said that, of the Ministry of Housing and Town Planning's 15 advisory boards, 5 had members from organizations of persons with disabilities. Three public consultations had been held in 2014, one in particular on the draft General Ordinance on Town Planning and Construction. The draft had been posted on the Ministry's website, and more than 260 comments had been received, including many from organizations of persons with disabilities.

49. **Ms. Berner Herrera** (Chile) said that the Government had worked with the Teletón Foundation during its 2015 campaign to raise awareness of the rights of persons with disabilities.

50. **Mr. Concha Gamboa** (Chile) said that, since the 1950s, the Teletón Foundation had provided valuable rehabilitation services for children with physical disabilities, using a

charity-based approach. The Foundation had been set up in the 1970s to raise funds for the construction of rehabilitation centres. The Government shared the Committee's view that the Foundation must be respectful of the dignity of persons with disabilities and should not represent them as objects of charity and pity, but as subjects of rights. That point had been raised with the organization, which had made an effort to change the image it presented during the last telethon campaign. The Government's contributions were used for professional and technical expertise and equipment, not to fund the campaigns. The Government provided rehabilitation and social inclusion services for all ages and had established the Pedro Aguirres Cerda National Rehabilitation Institute, which provided service for persons with disabilities of all kinds.

*Articles 11-20*

51. **Mr. Tatić** asked whether the funding agreed in 2011 for the provision of free legal aid to persons with disabilities was still in place. He would welcome information on sources of funding for persons with disabilities who wished to engage personal assistants and training programmes for individuals who wished to work in that capacity.

52. **Mr. Babu** asked what measures were implemented to ensure that the needs of persons with disabilities were taken into account in the context of disaster preparedness, particularly in terms of access to information, evacuation and assistance, in light of the 2014 earthquake. What legislation and policies were in place to give effect to the constitutional provision on the right to personal liberty and security for persons with disabilities?

53. **Mr. Basharu** asked what concrete measures the State party was taking to ensure accessibility to courts, police stations and prisons in order to guarantee effective access to justice for persons with disabilities.

54. **Mr. Lovászy** asked whether the State party had introduced SMS text messaging services or smartphone applications to meet the needs of persons with hearing impairments as part of its disaster risk management plans. He requested information on legal aid services for persons who were deaf or hard of hearing, including the cost of such services.

55. **Mr. Kim** Hyung Shik invited the delegation to comment on reports that approximately 20 per cent of persons with psychosocial disabilities were detained or in internment and that a large number were placed in general hospitals rather than specialist psychiatric facilities. The Committee had learned that no data were kept on persons placed in private sector services or in short-term stays and that children with psychosocial disabilities were receiving treatment at services intended for adults.

56. **Mr. Buntan** asked what had been done since the adoption of the Sendai Framework for Disaster Risk Reduction to ensure that all national and local disaster risk reduction plans were inclusive of and accessible to persons with disabilities. What did the State party plan to do to remedy inclusion in the law of the nineteenth-century notion that persons with disabilities had no legal capacity? What proportion of the budget was allocated to community-based services for persons with disabilities, as compared to allocations to large institutions or services run by private foundations?

57. **Mr. Parra Dussan** asked what strategy was being used for the review of the Civil Code and whether provision was being made for supported decision-making.

58. **Ms. Kingston** asked whether there had been any awareness-raising or training on the manual and fact sheet on the provision of assistance to persons with disabilities in an emergency, and if so, if there had been any evaluation of their impact. She invited the delegation to comment on reports that large numbers of people were in hospital without therapeutic reasons while waiting for sheltered housing solutions. Hundreds of homes for

the elderly were not regulated or supervised, and such institutions reportedly also housed persons of all ages, including children, with psychosocial and intellectual disabilities.

59. **Mr. Pyaneandee**, recalling that there had been an unsuccessful court case brought against the State broadcaster for failing to provide sign language interpretation to ensure access to information for deaf persons in emergency situations such as earthquakes, asked whether there were any plans to repeal the provisions of the relevant legislation to bring it fully into line with the requirements of article 11 of the Convention. What steps were planned to increase the number of free legal aid centres and to train members of the judiciary and the legal profession on the Convention?

60. **Ms. Peláez Narváez** asked when the State party planned to bring its policies on internment and forced treatment into line with the Convention. Recalling a recommendation made by the Committee on the Rights of the Child in its concluding observations issued in 2015 (CRC/C/CHL/CO/4-5), she asked when the practice of sterilizing girls with disabilities would be abolished. How did the State party plan to carry out a policy of deinstitutionalization if it had not collected information from persons with disabilities in institutions as part of the second national disability survey? How was independent living supported for persons with disabilities on the country's islands?

61. **Mr. You** Liang asked whether persons with certain impairments were legally allowed to drive adapted cars. He had heard that there were hospitals in which some persons with psychosocial disabilities were hospitalized for many years. Were such establishments regularly inspected by competent agencies, and were there legal procedures to protect the rights of those persons?

62. **Ms. Quan-Chang** asked what steps were taken to guarantee that persons who had been declared without legal capacity could actually participate in legal proceedings themselves, and not through third parties. Did the State party plan to review the criminal legislation under which persons with disabilities who were reported to have committed a crime were declared exempt from criminal responsibility? The delegation should comment on the large number of forensic patients institutionalized for long periods in the Dr. Philippe Pinel psychiatric hospital while awaiting judicial review of their legal status. She encouraged the State party to set up the national preventive mechanism under the Optional Protocol to the Convention against Torture to visit places of deprivation of liberty, including psychiatric facilities, where there were reports of forced treatment, including electroshock therapy, of persons with psychosocial disabilities.

*The meeting rose at 6.05 p.m.*

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**Committee on the Rights of Persons with Disabilities**
**Fifteenth session**

**Summary record of the 239th meeting**
Held at the Palais Wilson, Geneva, on Friday, 1 April 2016, at 10 a.m.

*Chair*: Ms. Degener (Vice-Chair)

## Contents

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

*Initial report of Chile* (continued)

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*In the absence of Ms. Cisternas Reyes, Ms. Degener, Vice-Chair, took the Chair.*

*The meeting was called to order at 10 a.m.*

**Consideration of reports submitted by parties to the Convention under article 35** (*continued*)

*Initial report of Chile* (continued) (CRPD/C/CHL/1; CRPD/C/CHL/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Chile took places at the Committee table.*

2. **Ms. Berner Herrera** (Chile) said that a bill on a system of safeguards of children's rights was currently before the National Congress. If adopted, it would provide for the comprehensive protection and exercise of the rights of children, in line with the national Constitution, the Convention and other international instruments ratified by Chile. It would also establish the responsibility of parents for the development, protection, guidance and upbringing of their children; recognize the right to equality and non-discrimination of persons with disabilities and the State's duty to identify groups of children requiring assistance so as to reduce or eliminate discriminatory barriers; introduce the obligation to make reasonable accommodation in the physical and social environment of children with disabilities; and recognize the right to health and the sexual and reproductive rights of children with disabilities. The bill highlighted the right of all children to live with and fully develop within their families and, in cases where that was not possible, to have access to fostering or adoption. It would also prohibit the use of disability as grounds for denying rights.

3. **Mr. Finsterbusch Romero** (Chile) said that under the Constitution, men and women were equal before the law and no arbitrary differences of treatment could be established in their regard. The Equal Opportunities and Social Inclusion of Persons with Disabilities Act provided for the elimination of all forms of discrimination on the grounds of disability, defined disability and established a special legal remedy for persons with disabilities whose rights had been violated. The Constitution provided for legal remedies in the case of arbitrary actions or omissions undermining the exercise of constitutional rights. An Act adopted in 2012 established measures to combat discrimination and contained a definition of arbitrary discrimination. That law also offered persons with disabilities a specific legal remedy in cases of discrimination. The Labour Code too provided for a remedy for acts of discrimination committed by employers against persons with disabilities. The Office of the Superintendent of Education had received 462 complaints of discrimination on the grounds of physical or intellectual disability, mainly relating to refusal of admission to the education system or a lack of inclusive infrastructure. In 2015, 100 complaints of discrimination on the grounds of disability had been filed, of which 20 had given rise to official school inspections and 11 had led to administrative sanctions against the establishments in question. The majority of the remaining cases had been resolved through mediation. The Government had taken steps to develop anti-discrimination policies and legislation as a part of its obligations arising from the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities.

4. The alleged perpetrators in the case of Mr. José Antonio Vergara Espinoza were currently in detention pending investigation and an individual had been found guilty of the offence of illegal detention in the case involving Mr. Luis Berrios Urra. The National Service for Persons with Disabilities (SENADIS) was working hard with the relevant local authorities to provide Ms. Valeria Riveros with all necessary support and would continue to do so. "Necessary accommodation" was the same as reasonable accommodation. The Equal Opportunities and Social Inclusion of Persons with Disabilities Act stated that reasonable

accommodation must be made for persons with disabilities in the context of all activities, policies, plans and actions for that group and strengthened the concept of reasonable accommodation in the fields of education, public facilities, justice and employment. A Ministry of Justice commission was currently working to revise, update and, in some cases, remove those provisions of the Criminal Code that discriminated against persons with disabilities. Any reforms adopted in that regard must be in line with a mechanism currently under consideration that would establish the full exercise of legal capacity in decision-making. The Code of Criminal Procedure included specific provisions for cases involving persons with mental illness. In such cases there were procedural safeguards such as restrictions on the imposition and duration of security measures, judicial oversight relating to their implementation and the prohibition of the use of imprisonment.

5. **Ms. Tapia Fuentes** (Chile) said that the nationwide register of accessible buildings had been established under legislation on accessibility that had since been superseded and that the register had last been updated in 2009. At the time, around 40 per cent of the 10,000 or so registered public-use buildings had complied with the regulations in force. The register had been discontinued with a view to its replacement with an updated version. Under the Equal Opportunities and Social Inclusion of Persons with Disabilities Act, the Government had a duty to take action to eliminate architectural barriers and to ensure that all public-use and community service buildings, new collective housing units, projects carried out in public spaces, public transport and public property access points were accessible to and usable by persons with disabilities, without assistance. The new General Ordinance on Town Planning and Construction contained regulations on universal accessibility. However, those regulations only applied to building permits obtained after 1994. Any constructions erected prior to that year were covered by the legislation previously in force. Owners of buildings that did not comply with the new regulations faced significant fines and even the closure of their premises. Owners of buildings constructed after 1994 had three years to carry out any adjustments required by the new legislation. Guidelines had been developed for the design of accessible educational establishments and public-use buildings. Persons with disabilities and their families were also granted extra housing benefits.

6. **Ms. Berner Herrera** (Chile) said that the public transport system in the metropolitan area of the capital city, Santiago, had been made much more accessible and work had been carried out to harmonize buses and bus stop signs and markings. Over 80 per cent of the Santiago bus fleet was equipped with accessibility features, and inspections were carried out to ensure that they were correctly installed. Bus interiors, bus stops and public transport hubs had been redesigned to better cater for the needs of persons with reduced mobility.

7. **Mr. Concha Gamboa** (Chile) said that SENADIS was working to identify technical needs in the health sector and to introduce audio-descriptive technologies into national parks and metro stations in Santiago to assist blind and visually impaired persons. Under the Equal Opportunities and Social Inclusion of Persons with Disabilities Act, television broadcasters must make provision for viewers with hearing impairments when they scheduled their programmes. Sign language did not currently have official status, but it was recognized as the natural means of communication of deaf persons. The Act also stated that public libraries must make provision for inclusive materials and infrastructure. SENADIS was currently working to train staff at the Santiago Library in the use of sign language and to install software to render the library's computers accessible to persons with disabilities. A bill on improving television subtitling and the use of sign language was currently before the National Congress. SENADIS was funding the nationwide broadcast of inclusive news programming, in collaboration with the Association of Deaf Persons of Chile. Discussions had been held on the provision of sign language interpreting for emergency broadcasts. A number of public information programmes on subjects such as housing had also been

produced with sign language interpretation and subtitles. Work was ongoing to ensure that sign language interpreters were properly qualified. Those efforts included cooperation with academics specializing in the use of sign language.

8. **Ms. Bravo Guzmán** (Chile) said that State officials had received training on the rights of persons with disabilities, the relevant national legislation, the Convention and sign language. Continuous efforts were made to ensure that all court buildings were fully accessible and to install new software on public access computers in family courts so as to allow visually impaired persons to seek information on legal procedures. Sign language interpreters were employed by the courts, and defendants with disabilities were provided with assistance when preparing for trial. A remote sign language interpreting service would be launched in the near future for courts that did not have such services available locally.

9. The accessibility standards also applied to prisons and police detention centres. Legal aid agencies had provided training to 300 members of the Carabineros (police) so that they would use appropriate language and treat persons with disabilities with decency. While persons with disabilities faced no legal impediments to accessing justice, in practice they faced obstacles owing to prevailing attitudes in the administration of justice. However, the Convention superseded domestic law, and the Government had taken various steps to require respect for the right of persons with disabilities to have access to justice and to punish individuals who failed to respect that right. A special procedure was in place whereby persons with disabilities whose rights had been infringed could bring a suit before the courts in the jurisdiction where they lived. The Anti-Discrimination Act provided penalties, including dismissal, for public servants who discriminated against people on grounds of disability and amended the Criminal Code so that it was considered an aggravating circumstance if a crime was motivated by a victim's disability.

10. In 2012, SENADIS had initiated a pilot programme to defend the rights of persons with disabilities whereby the persons concerned were given legal representation by the legal aid agencies, which, although there were only four, offered nationwide coverage. In 2015, the programme had become permanent and had been included in the State budget; it had been allocated some $470,000 for 2016. Over 1,500 cases had been brought under the programme so far, leading to the development of important case law. To cite some examples, an appeals court had recently found that a programme broadcast on public television had violated the Convention by mocking persons with Tourette Syndrome. Another court had found a school guilty of a serious violation of the Convention for expelling a 7-year-old student on the grounds of his disability.

11. No amendments had yet been proposed to change the derogatory language and discriminatory provisions of the Civil Code, but efforts were under way to repeal those provisions. A working group on legal capacity would very soon submit its report with a view to drafting an amendment bill. While some issues remained regarding legal capacity, steps had been taken, with the involvement of academics and other experts, to ensure the justiciability of rights. In some cases the courts had reinstituted persons' legal capacity so that they could choose a lawyer themselves. In others, mothers had regained their parental rights after losing custody of their children merely because they had disabilities. Chile remained committed to repealing discriminatory laws and ensuring that persons with disabilities had access to justice.

12. **Ms. Neculhueque Zapata** (Chile) said that deinstitutionalization measures had been taken since the late 1990s and that the National Mental Health Plan provided for the gradual closure of psychiatric hospitals and the establishment of a community-based mental health care network. The relevant legislation had to be revised and updated to meet the standards under the Convention. However, it did provide regulations for the committal of persons with psychosocial disabilities, thereby reducing the cases of arbitrary institutionalization by both families and the courts. As a result of the deinstitutionalization policy, the number of

individuals living in institutions had declined to 372, as many persons had been placed in homes run by the public health system. The persons who remained in institutions had, for the most part, severe disabilities or complex conditions.

13. In 2015, the Ministry of Health had conducted a feasibility study on the possibility of drafting a new law on mental health. It had subsequently decided to submit a bill on the subject to the National Congress. The drafting process would include consultations with organizations of persons with disabilities. The objectives of the bill would be to bring domestic legislation into line with current human rights standards; promote the rights of persons with mental disabilities; promote mental health through intersectoral preventive measures; ensure the provision of mental health care at the community level; ensure the social inclusion of persons with severe mental illnesses through housing, education and employment measures; safeguard the rights of mentally ill persons in conflict with the law; define a monitoring and evaluation mechanism; and guarantee public spending on mental health in order to remove discrepancies in coverage between State and private insurance plans and to ensure equal treatment of mental illness and other diseases.

14. **Ms. Berner Herrera** (Chile) said that the National Service for Minors was piloting a project on the deinstitutionalization of children with disabilities. The national disability survey was a household survey and thus had not covered institutionalized persons. However, all children living in centres, including those run by the National Service for Minors, were included in administrative registers. A national policy on disaster risk management had been developed, and a basic emergency card now made it possible to collect official data on persons with disabilities in affected areas along with information on their specific needs and to enter them into a database. The information was shared with other registries. The aim was to ensure the provision of appropriate support at all stages of recovery.

15. **Mr. Concha Gamboa** (Chile) said that the national policy on disaster risk management was being rolled out by the National Emergency Office and contained specific guidelines on how to provide services for persons with disabilities and members of other vulnerable groups. The National Emergency Office had developed seven videos on disaster prevention that included sign language interpretation, closed captioning and audio description and were available on YouTube and the websites of various government bodies. The Office had issued recommendations and preparedness manuals designed for all audiences. Its risk management efforts were based on the following principles: visibility of persons with disabilities and awareness of their rights; decentralization and the empowerment of regional entities; coordination among the various levels of government; and public-private partnerships. SENADIS played an active role in promoting consideration of the rights of persons with disabilities during implementation of disaster prevention measures. In addition, the Ministry of Education had adopted a school safety plan that dealt with disaster prevention and provided information on how to react during emergencies.

16. **Mr. Basharu** noted that according to the alternative reports, the linguistic identity of the deaf was under serious threat. The Government was reportedly pressuring families to sign their children up for cochlear implants so that they could then be sent to mainstream schools without sign language interpretation. Would the State party consider recognizing the linguistic identity of the deaf, provide sign language training to the parents of deaf children and enhance the services available for deaf-blind children?

17. **Mr. Kim** Hyung Shik asked what the State party's perspective was on inclusive education and what progress it had made in developing relevant policies. Community-based rehabilitation was about much more than merely health. The State party should describe its approach to such rehabilitation. Lastly, he asked whether the various measures put in place, such as protected work environments, job training and recruitment bonuses, had really had a noteworthy impact on the creation of employment opportunities, the payment of fair wages and the provision of decent working conditions for persons with disabilities.

18. **Ms. Kingston** asked about the accessibility of information on general health services, especially for visually-impaired persons. For example, was medication labelled in Braille? She expressed concern that reproductive and sexual health services were often inaccessible to persons with disabilities and that gynaecologists were inadequately trained to treat women with disabilities. The delegation should tell the Committee whether the basic sign language dictionary would be further developed and how discrimination against indigenous persons with disabilities was reflected in statistics. Lastly, she invited the delegation to comment on the State party's commitment to including persons with disabilities in the implementation of the 2030 Agenda for Sustainable Development.

19. **Ms. Peláez Narváez** said that she would like to know if there were plans to make sign language an official language in the State party and to officially recognize Braille as a form of writing. When would the national Braille commission be set up? How would training on sign language and Braille be provided to teachers? The delegation should provide more information about how inclusive education had been provided to autistic children and children with disabilities in the past and what would be done to ensure that special schools for persons with disabilities would comply with the principle of inclusive education. Were there differences in the social assistance available to persons living on the mainland in comparison with those living on islands? How much airtime would be set aside to broadcast the 2016 Paralympic Games on public television channels?

20. **Mr. Buntan** noted that each individual university in the State party reportedly set its own regulations for the provision of assistance and accommodation to students with disabilities. Had the State party put in place any measures to standardize the approach used by different educational establishments? He asked what measures the Government had introduced to ensure that persons in institutions were able to exercise their rights to vote and to participate in political life, including persons considered to be without legal capacity.

21. **Mr. Tatić** said that he had noted from the State party's report that a larger number of persons with disabilities attended special schools than mainstream schools and asked if the State party could provide an explanation for that phenomenon. He requested updated information on the funds made available for reasonable accommodation to provide students in mainstream schools with quality inclusive education. Regarding political campaigning, he asked how people with disabilities were able to exercise their rights under article 29 of the Convention. Specifically, was election material provided in accessible formats such as Braille? Were televised political debates subtitled and was sign language interpretation provided so as to enable persons with disabilities to make informed choices? The delegation should describe the steps taken to ensure that cultural sites and tourist attractions were accessible to persons with disabilities.

22. **Mr. You** Liang said that the eradication of poverty was essential in order to improve the participation of persons with disabilities in society. How was the State party planning to eradicate poverty? The Asia-Pacific Economic Cooperation (APEC) forum, of which Chile was a member, had set up a group of friends on disability issues with the objective of economically empowering persons with disabilities. How did Chile plan to be involved in the work of that group?

23. **Mr. Ruskus** said that he would like to know more about the early intervention and rehabilitation programmes and services available to those families that had disabled family members. On the subject of inclusive education, he requested further details on the measures taken to improve the skills of teachers, to develop individual educational plans for students with disabilities, to raise awareness among parents and guardians of the importance of inclusive education and to successfully manage diversity in the classroom.

24. **Ms. Quan-Chang** (Country Rapporteur) said that many women with disabilities in the State party had reportedly encountered serious difficulties when it came to child custody.

Often, they were deprived of custody for medical reasons. What specific measures were being taken, particularly in relation to the Civil Code and the concept of incapacity, to ensure that parents with disabilities were not victims of discrimination? The National Commission for the Protection of the Rights of Persons with Mental Illness had recently been set up in accordance with the law regulating forced institutionalization and consent for medical treatment. What criteria were used to nominate the Commission's members? Some of the members were reportedly not medical professionals, and in some cases the criteria had not been met for irreversible medical treatments that had been carried out. The disability pension supplement was paid only to those persons who could provide certification of their disabilities, and it was subject to a means test. What was the State doing to provide financial support to cover the additional expenses often incurred by persons with disabilities, such as for special equipment? The proposals and opinions issued by the SENADIS Consultative Council on Disability were reportedly not always taken into account. What steps were being taken to revise the role of the Council and to ensure that its opinions were more binding in nature?

*The meeting was suspended at 11.40 a.m. and resumed at 12.05 p.m.*

25. **Mr. Concha Gamboa** (Chile) said that discussions were under way, in the relevant government ministries and public bodies, on the possibility of sign language becoming an official language in Chile and on how to promote its use. The National Congress had approved accession to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled which, in conjunction with the Intellectual Property Act, would increase the availability of accessible published works in Chile. A law adopted in 2007 had introduced the concept of assisted voting and had enshrined the rights of persons with disabilities to vote in an independent manner. Assistance was provided where necessary, and polling stations were fully accessible to persons with disabilities. Some difficulties had been encountered with Braille polling cards, as only the registration numbers, and not the names, of the candidates had been included. However, the issue had since been resolved, in collaboration with the Electoral Service. There were plans to publish a guide to accessible tourism covering tourist attractions across Chile by the end of the year.

26. **Mr. Soffia Vega** (Chile) said that a new law on inclusive education had entered into force in March 2016. It stipulated that the State was required to provide inclusive education and to ensure that persons with disabilities were able to access schools. As part of the reform of the education system, a technical document was being drafted by the Ministry of Education, with input from civil society, to provide guidance on the admission of students with disabilities to mainstream schools. The Government implemented various programmes to support and integrate students with disabilities at all levels. For each student with disabilities, the State provided educational establishments with a subsidy payment three times higher than the standard subsidy. Schools received around $240 per month for each student with disabilities in full-time attendance and around $190 for those in part-time attendance. The most recent survey on enrolment, conducted in 2015, had shown that the number of students with disabilities attending mainstream schools had increased. A number of steps had been taken to ensure that public educational institutions were able to offer inclusive education. Specific resources and services had been provided, including sign language interpretation at schools with deaf students and digital resources and equipment to facilitate accessibility. A strategy to provide accessible texts for children with intellectual disabilities had been rolled out in 2013 and had since been extended to cover 150 schools and 4,000 students. The various legislative reforms taking place were complex, but they offered an excellent opportunity to reconsider and revise the rules governing both special and mainstream educational establishments. As for future actions, there were plans to raise awareness of inclusive education generally, to provide support for parents of students with

disabilities, to ensure teachers were properly trained and to involve professionals with disabilities in the reform process.

27. **Mr. Concha Gamboa** (Chile) stressed that the goal of SENADIS was to promote an inclusive society that respected the rights of persons with disabilities. SENADIS had two plans to assist students with disabilities in higher education. The first provided funding for such services as sign language interpretation and transcription and transportation; the second funded technical resources such as computer software for the blind and other assistive technology and devices. The number of disabled students in higher education had doubled in the past two years, and funding levels would match that increase. Agreements had been concluded with the National Kindergartens Board and the Integra Foundation, the two largest providers of preschool childcare, to ensure that early childhood education establishments would benefit from the services of specialists, including audiologists and occupational therapists, as well as training for their staff. Children with disabilities across the country would thus receive support from an early age. The SENADIS Consultative Council on Disability was working with the Ministry of Justice to overhaul legislation and replace insensitive terminology relating to disabilities.

28. **Ms. Bravo Guzmán** (Chile) said that the Government intended to repeal article 1447 of the Civil Code, which was outdated and contained objectionable wording. The provisions of the Convention took precedence over domestic law and could be directly invoked by the courts, for example in order to grant custody of children to parents and to order support services for them if necessary. The Government did not want to replace parents, but rather to assist them in fulfilling their parenting role. Family court judges were made aware of the desirability of granting custody to mothers with disabilities, if possible. Such decisions were taken on a case-by-case basis. Specialized lawyers could represent parents if they were denied custody in violation of the Convention.

29. **Ms. Neculhueque Zapata** (Chile) said that the Government was working to promote a rights-based approach to health care and that some progress had been made in the area of sexual and reproductive health. The law regulating rights and duties in respect of health care established that procedures of an irreversible nature, for example sterilization for contraception or for psychiatric purposes, required informed, written consent, and that patients had the right to withdraw consent at any time. In cases involving persons with diminished capacity, any such irreversible procedures had to be approved by the ethics committee of the establishment in question and the National Commission for the Protection of the Rights of Persons with Mental Illness. Persons with mental disabilities had the right to appeal in court against any decisions regarding their care. The ethics committees, which had existed since 2013, were interdisciplinary advisory bodies whose aim was to improve the quality of care and promote patient rights. The Commission, established in 2012, had been created to protect the health-care rights of persons with intellectual or mental disabilities, whether in the private or public health-care systems. The Commission was made up of two health-care professionals, a lawyer and representatives of the scientific and technical community, mental health commissions, mental health care users, families having family members with mental disabilities and the health authorities. The relevant legislation was being updated to strengthen the protection of the rights of persons with disabilities and enhance the roles of the ethics committees and the Commission.

30. **Ms. Terminel Salinas** (Chile) said that a bill was currently before the Senate that would define the types of discrimination that would violate the right to equal treatment in employment. The proposed law would prohibit any act that would lead to discrimination or preference on grounds of disability. The draft would also gradually remove provisions from existing legislation allowing for the free negotiation of work contracts between employers and persons with mental disabilities without regard for minimum wage rules and replace the pejorative term "mentally deficient" with "having a mental disability". The Equal

Opportunities and Social Inclusion of Persons with Disabilities Act established standards for reasonable accommodation measures to facilitate the integration of persons with disabilities in the workplace.

31. The Government had made inclusion a priority and promoted affirmative action measures for the employment of persons with disabilities. The "Mas Capaz" training programme had been launched in 2015 to facilitate equal access to the labour market for women and members of vulnerable groups, including young people and persons with disabilities. Some 20,000 persons with disabilities would receive training under that programme. In order to make sure that such training was effective, the National Training and Employment Service (SENCE) ensured that all courses were accessible and provided technical and other support for persons with various disabilities. To date, 3,221 persons had received such training.

32. The Ministry of Labour and Social Security was collaborating with SENADIS, the Ministry of Health and civil society to promote inclusion. A handbook on inclusion had been prepared to help local employment offices fill jobs without any differential treatment. SENCE would provide inclusivity training to 280 job centre staff, and bonuses would be awarded to staff who found employment for persons with disabilities. The Government also gave out prizes and awards in recognition of achievements by local authorities and the private sector in inclusive hiring. It would soon launch a programme aimed at ensuring that at least 1 per cent of jobs would be occupied by persons with disabilities with a view to eliminating discrimination and recognizing the contribution persons with disabilities could make to society. A report on progress made under that programme would be prepared every four years and submitted to the SENADIS Consultative Council on Disability.

33. **Ms. Berner Herrera** (Chile) said that a 50 per cent transportation subsidy was provided to persons with disabilities residing on the islands in the south of the country. The Ministry of Foreign Affairs would play the lead role in efforts to meet the Sustainable Development Goals, in consultation with other ministries, including the Ministry of Social Development, and also with civil society. The Government considered it crucial to achieve all the Goals and gave prime importance to the eradication of poverty. It was waiting for clarification from the United Nations on specific indicators to be used before establishing national measures. That notwithstanding, with a view to the eradication of poverty, work had already begun on an intersectoral solidarity programme that would provide support and financial measures based on an evaluation of the needs of individual households. Households with greater needs, for example those with family members with disabilities or elderly persons requiring extra assistance, would receive more help. Technical assistance would be provided in priority to families living in extreme poverty. Local support services were also provided by the Ministry of Social Development. The purpose of such programmes was to strengthen local services and promote independent community living without discrimination.

34. Persons with disabilities accounted for some 18.9 per cent of the indigenous population, a proportion similar to the percentage — 20.1 per cent — in the non-indigenous population. Indigenous relations were a priority for her Government. Two bills were currently before the parliament; one would establish a ministry for indigenous peoples; the other would create a council of indigenous peoples. Those entities would provide an institutional framework to strengthen the promotion of the rights of the indigenous peoples.

35. Work on the national household survey was continuing. The survey was an important tool for the socioeconomic classification of households. Those with persons with disabilities would be classified as having an increased need for support, in keeping with the additional financial burden of dealing with disabilities.

36. **Mr. Garretón Merino** (National Human Rights Institute of Chile) noted that the National Human Rights Institute had a mandate under the Paris Principles to play an advisory role and to conduct research in the area of human rights. It had no policymaking role, even with regard to natural disaster preparedness and response.

37. **Ms. Berner Herrera** (Chile) welcomed the fruitful dialogue with the Committee and noted the important contribution made to that dialogue by civil society organizations and the National Human Rights Institute. The establishment of the Ministry for Women and Gender Equality had been an important step toward promoting the rights of women, including women with disabilities. The Government would continue to monitor and mainstream disability issues in an intersectoral manner with a view to overcoming barriers, including prevailing attitudes, in order to achieve an inclusive society without discrimination towards persons with disabilities.

38. **Ms. Quan-Chang** welcomed the rich dialogue with the State party and thanked in particular the Chilean organizations of persons with disabilities for their contribution.

39. **The Chair** thanked the delegation for its frank and open answers to the concerns raised by the Committee and also welcomed the valuable contribution made by civil society stakeholders.

*The meeting rose at 1 p.m.*